From: Minoli, Kevin

Location: WJC North 1200 Pennsylvania Ave

Importance: Normal

Subject: Ethics Counseling-George Sugiyama
Start Date/Time: Tue 1/17/2017 1:30:00 PM
End Date/Time: Tue 1/17/2017 2:30:00 PM

Contact Numbers:

Justina: 564-1786

Kevin: 564-5551

To: Sugiyama, George[sugiyama.george@epa.gov]

Cc: Fugh, Justina[Fugh.Justina@epa.gov]

From: Minoli, Kevin

Sent: Fri 3/3/2017 5:25:31 PM

Subject: RE: Hearth, Patio & Barbecue Association v. EPA

Hi George- Because you reference an "old colleague" I need to ask who it is to determine whether you have any ethics considerations to be mindful of before I respond. In the alternative, you may simply direct the individual to me and I will respond as we would for any member of the public. Kevin

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8040

From: Sugiyama, George

Sent: Monday, February 27, 2017 11:24 AM **To:** Minoli, Kevin Minoli, Kevin@epa.gov

Subject: Hearth, Patio & Barbecue Association v. EPA

I keep getting call about this from an old colleague. He wants to know if EPA plans to change its timing on this matter as briefing is drawing near. Any information?? Thanks, george

Sugiyama, George[sugiyama.george@epa.gov]; Fugh, Justina[Fugh.Justina@epa.gov] To:

From:

Wed 2/8/2017 5:51:30 PM Sent: Subject: RE: Ex. 6- Personal Privacy industry group[

Thanks Justina ©

From: Sugiyama, George [mailto:sugiyama.george@epa.gov]

Sent: Wednesday, February 08, 2017 12:31 PM

To: Fugh, Justina

Subject: RE: ELS-Personal Privacy Industry group[

Thank you. I guess I could try to divorce her, but then she would poison me, so no need for ethics advice. You keep being the gold standard.

George

From: Fugh, Justina

Sent: Wednesday, February 8, 2017 11:17 AM

To: Sugiyama, George < sugiyama.george@epa.gov>

Subject: RE: Ex. 6-Personal Privacy industry group[

No, you cannot go in your official EPA capacity at all. Are you instead asking to go in your personal capacity? If so, then you cannot go on EPA time (must instead take leave or leave without pay), cannot make reference to your EPA position or title, and instead speak about your personal experiences related to the campaign and the transition. You cannot speak on behalf of EPA, in your official capacity at all. You have a "covered relationship" with your wife, and your ethics official is disinclined to permit you to interact with her in your official capacity.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Sugiyama, George

Sent: Tuesday, February 07, 2017 5:24 PM To: Fugh, Justina < Fugh. Justina@epa.gov > Subject: [Ex. 6. Personal Privacy Industry group[

I was wondering if I could appeared at state of the General counsel. I will talk generally about the transition.

To: Fugh, Justina[Fugh.Justina@epa.gov]

Cc: Sugiyama, George[sugiyama.george@epa.gov]

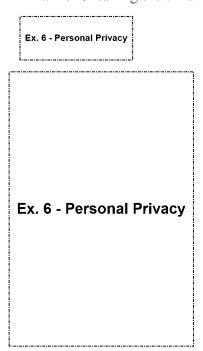
From: Ex. 6 - Personal Privacy

Sent: Sun 1/29/2017 6:51:28 PM Subject: FW: Request for an appointment

So I guess George doesn't want to come meet with us Justina.

There's nothing pressing about the timing of a meeting, but I think it is prudent at some point. You probably are going to be doing a lot of these for newbies over the coming weeks, so whenever is convenient for you. And p.s., although I am kind of a morning person, the traffic is so bad from our area that *later* in the morning is best for me. *Or* we could just talk on the phone if you think that would work too.

Thanks for taking the time!



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From: Sugiyama, George [mailto:sugiyama.george@epa.gov]

Sent: Thursday, January 26, 2017 5:04 PM

To: Fugh, Justina
Cc: Ex. 6 - Personal Privacy

Subject: Re: Request for an appointment

Fine with me . I need not attend

Sent from my iPhone

On Jan 26, 2017, at 4:05 PM, Fugh, Justina < Fugh. Justina@epa.gov > wrote:

Hi there,

I would love to chat with you! Since George is the federal employee, though, I need to make sure he's okay with the idea and to see if he wants to sit in with us. If not, then we are free to carry on. I have to take **Ex. 6 - Personal Privacy** tomorrow afternoon, but am free at 10 am. I will also return to the office around 4:30 pm and be working late if you're amenable. If you're a morning person, then we may have to wait until Tuesday. I have to be off on Monday to attend to **Ex. 6 - Personal Privacy**

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Ex. 6 - Personal Privacy On Behalf Of Ex. 6 - Personal Privacy Sent: Thursday, January 26, 2017 1:36 PM

To: Fugh, Justina < Fugh. Justina@epa.gov > Subject: Request for an appointment

Dear Justina,

With George over there now on the transition team, I wondered if I could get on your dance card to discuss potential ethics issues, in order to avoid them and be, as the Romans used to say, "purer than Caesar's wife." Would you let me know if you would be willing to do that and if so, when you have time for it on your dance card.

My very best and many thanks,

<image 001.png >

Ex. 6 - Personal Privacy

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To: George Sugiyama Ex. 6 - Personal Privacy

Cc: Fugh, Justina[Fugh.Justina@epa.gov]

From: Minoli, Kevin

Sent: Tue 1/17/2017 12:04:37 AM

Subject: RE: Meeting

Hi George- 8:30 tomorrow morning will work. I know you are already familiar with the East Building in the headquarters complex, but I have included more detailed directions to the North Building which is where we are located.

We look forward to meeting with you on Tuesday.

Kevin

The Office of General Counsel is located in the EPA Headquarters Complex, 1200 Pennsylvania Avenue, NW, in Washington, DC. We are in the William Jefferson Clinton North Building. The main visitor entrance to both the North and South Buildings are located directly above the Federal Triangle Metro Station, which is on 12th Street, midway between Pennsylvania and Constitution Avenues. Once at the building, please proceed into the building where you will be greeted by our security staff. As a guest, you will need to present a photo ID and proceed through the metal detectors. We will leave a list with the guards that morning so they should be expecting you, but if for some reason they are not, simply please tell the guards that you are there to meet with myself or Justina, and they will let us know that you arrived. One of us will then come down and meet you at the main entrance and escort you up to our offices.

Kevin S. Minoli

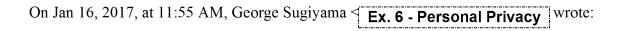
Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8064

From: George Sugiyama [mailto: Ex. 6 - Personal Privacy Sent: Monday, January 16, 2017 12:27 PM
To: Minoli, Kevin <minoli.kevin@epa.gov></minoli.kevin@epa.gov>
Cc: Fugh, Justina <fugh.justina@epa.gov> Subject: Re: Meeting</fugh.justina@epa.gov>
Ok. Fine with me.
On Mon, Jan 16, 2017 at 12:06 PM Minoli, Kevin < Minoli.Kevin@epa.gov > wrote:
Hi George- I'm sorry about the confusion; I did not receive the earlier email. I've CC'd
Justina to make sure she is able to be available at 8:30 tomorrow, but as long as she can we will be happy to see you then. Kevin
Kevin S. Minoli
Reviii 5. Iviiiioii
Principal Deputy General Counsel
Finicipal Deputy General Counsel
Office of Company Countries
Office of General Counsel
US Environmental Protection Agency
Main Office Line: <u>202-564-8064</u>



I sent you an earlier w mail about meeting tomorrow AM. It would be preferable to meet about 8:30 AM. I can lock that time in . The transition folks have grabbed my schedule and set a number of mandatory meetings and phone calls. Before they do anything

else I can tell them I am not available.

To: Cc: From: Sent: Subject:	Minoli, Kevin[Minoli.Kevin@epa.gov] Fugh, Justina[Fugh.Justina@epa.gov] George Sugiyama Mon 1/16/2017 5:27:25 PM Re: Meeting
Ok. Fine	with me.
On Mon,	Jan 16, 2017 at 12:06 PM Minoli, Kevin < Minoli.Kevin@epa.gov > wrote:
Justina	orge- I'm sorry about the confusion; I did not receive the earlier email. I've CC'd to make sure she is able to be available at 8:30 tomorrow, but as long as she can we happy to see you then. Kevin
Kevin	S. Minoli
Princip	pal Deputy General Counsel
Office	of General Counsel
US En	vironmental Protection Agency
Main C	Office Line: 202-564-8064
On Jan	16, 2017, at 11:55 AM, George Sugiyama Ex. 6 - Personal Privacy wrote:

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else I can tell them I am not available.

To: George Sugiyama Ex. 6 - Personal Privacy

Cc: Fugh, Justina[Fugh.Justina@epa.gov]

From: Minoli, Kevin

Sent: Mon 1/16/2017 5:06:46 PM

Subject: Re: Meeting

Hi George- I'm sorry about the confusion; I did not receive the earlier email. I've CC'd Justina to make sure she is able to be available at 8:30 tomorrow, but as long as she can we will be happy to see you then. Kevin

Kevin S. Minoli Principal Deputy General Counsel Office of General Counsel US Environmental Protection Agency Main Office Line: 202-564-8064

On Jan 16, 2017, at 11:55 AM, George Sugiyama Ex. 6 - Personal Privacy wrote:

I sent you an earlier w mail about meeting tomorrow AM. It would be preferable to meet about 8:30 AM. I can lock that time in . The transition folks have grabbed my schedule and set a number of mandatory meetings and phone calls. Before they do anything else I can tell them I am not available.

To: Minoli, Kevin[Minoli.Kevin@epa.gov] Cc: Fugh, Justina[Fugh.Justina@epa.gov] From: George Sugiyama Sent: Mon 1/16/2017 4:35:01 PM Subject: Re: Your anticipated appointment to the United States Environmental Protection Agency On Sat, Jan 14, 2017 at 8:48 PM Minoli, Kevin < Minoli. Kevin@epa.gov > wrote: Hi: can we meet sometime tomorrow morning? Dear George-

Your name was included on a list of individuals

identified by the President-Elect's Transition Team as one of the non-career officials expected to join the United States Environmental Protection Agency (EPA) on or about January 20, 2017. Let me be one of the first to say "Welcome (back) to the EPA!"

As you know, I am the agency's Designated Agency

Ethics Official and Principal Deputy General Counsel, and I have copied Justina Fugh, Senior Counsel for Ethics and the Director of the Office of General Counsel's Ethics Team, on this email. Justina, the Ethics Team, and I are all committed to working with

you now, while you are at the EPA, and after you complete your service with the agency to ensure you understand the federal ethics requirements, how they apply to you at that point in time and based on your specific circumstances, and how you can comply with

those requirements. For some of the federal ethics requirements, a violation of the requirement is a criminal violation, and we would be legally obligated to refer that violation to our Office of Inspector General. Regardless of the penalty, though, the federal

ethics requirements were, in the words of President George Bush in Executive Order 12,674, designed to "ensure that every citizen can have complete confidence in the integrity of the Federal Government." Our goal as the leaders of the EPA's ethics program

is to provide you with excellent customer service from this point forward to help achieve that vision.

We anticipate that on Friday, January 20, 2017,

you will be appointed to a limited term position with the United States Environmental Protection Agency. As an employee, you will be subject to the Standards of Ethical Conduct for Employees of the Executive Branch,

5 CFR Part 2635; the Hatch Act,

5 USC § 7321 et seq., and the conflict of interest statutes codified in Title 18 of the United States Code, including the financial conflicts at

18 USC § 208 and representational conflicts at

18 USC §§ 203 and

<u>205</u>. In order to comply with these requirements, you will need to complete a public financial disclosure report in INTEGRITY, an online electronic reporting system, and to have an ethics briefing with our team

as soon as possible. In addition, when you leave EPA, you will be subject to the post-employment provisions set forth at

18 USC § 207.

We understand that folks are anxious to get started,

and the agency has been asked to undertake all necessary actions to enable you to enter federal service on the afternoon of January 20, 2017. To explain the federal ethics requirements and your obligations to you, and to ensure that your participation in a

matter or on an issue does not present any ethics conflicts or appearance of conflicts, the EPA Ethics Team is ready to meet with you beginning Monday January 16, 2017. We will be available each day that week during normal business hours and during the evening

if helpful. If you are already in the Washington, DC, area, we would welcome you at

our offices at 1200 Pennsylvania Avenue, NW, or at a location nearby if security and preparations for the inauguration make accessing our building difficult. If it is not possible
to meet in person, we are available by Skype for Business, Adobe Connect, or the old-fashioned telephone.
Our goal is to meet with all of the individuals
identified by the President-Elect's Transition Team prior to January 20, 2017, so that you may begin your federal service that day with the confidence that you are in compliance with all federal ethics requirements. Please let us know when would be best for
you, and we will work to accommodate your schedule if at all possible. As always, please also feel free to ask any questions you may have.
Thank you, and we look forward to working with
you soon.

	Kevin
ŀ	Kevin S. Minoli
F	Principal Deputy General Counsel
(Office of General Counsel
Į	US Environmental Protection Agency
(Office Line: 202-564-8064
[Direct Dial: 202-564-5551

To: Ex. 6 - Personal Privacy

Cc: Fugh, Justina[Fugh.Justina@epa.gov]

From: Minoli, Kevin

Sent: Sun 1/15/2017 1:48:44 AM

Subject: Your anticipated appointment to the United States Environmental Protection Agency

Dear George-

Your name was included on a list of individuals identified by the President-Elect's Transition Team as one of the non-career officials expected to join the United States Environmental Protection Agency (EPA) on or about January 20, 2017. Let me be one of the first to say "Welcome (back) to the EPA!"

As you know, I am the agency's Designated Agency Ethics Official and Principal Deputy General Counsel, and I have copied Justina Fugh, Senior Counsel for Ethics and the Director of the Office of General Counsel's Ethics Team, on this email. Justina, the Ethics Team, and I are all committed to working with you now, while you are at the EPA, and after you complete your service with the agency to ensure you understand the federal ethics requirements, how they apply to you at that point in time and based on your specific circumstances, and how you can comply with those requirements. For some of the federal ethics requirements, a violation of the requirement is a criminal violation, and we would be legally obligated to refer that violation to our Office of Inspector General. Regardless of the penalty, though, the federal ethics requirements were, in the words of President George Bush in Executive Order 12,674, designed to "ensure that every citizen can have complete confidence in the integrity of the Federal Government." Our goal as the leaders of the EPA's ethics program is to provide you with excellent customer service from this point forward to help achieve that vision.

We anticipate that on Friday, January 20, 2017, you will be appointed to a limited term position with the United States Environmental Protection Agency. As an employee, you will be subject to the Standards of Ethical Conduct for Employees of the Executive Branch, <u>5 CFR Part 2635</u>; the Hatch Act, <u>5 USC § 7321 et seq.</u>, and the conflict of interest statutes codified in Title 18 of the United States Code, including the financial conflicts at <u>18 USC § 208</u> and representational conflicts at <u>18 USC §§ 203</u> and <u>205</u>. In order to comply with these requirements, you will need to complete a public financial disclosure report in INTEGRITY, an online electronic reporting system, and to have an ethics briefing with our team as soon as possible. In addition, when you leave EPA, you will be subject to the post-employment provisions set forth at <u>18 USC § 207</u>.

We understand that folks are anxious to get started, and the agency has been asked to undertake all necessary actions to enable you to enter federal service on the afternoon

of January 20, 2017. To explain the federal ethics requirements and your obligations to you, and to ensure that your participation in a matter or on an issue does not present any ethics conflicts or appearance of conflicts, the EPA Ethics Team is ready to meet with you beginning Monday January 16, 2017. We will be available each day that week during normal business hours and during the evening if helpful. If you are already in the Washington, DC, area, we would welcome you at our offices at 1200 Pennsylvania Avenue, NW, or at a location nearby if security and preparations for the inauguration make accessing our building difficult. If it is not possible to meet in person, we are available by Skype for Business, Adobe Connect, or the old-fashioned telephone.

Our goal is to meet with all of the individuals identified by the President-Elect's Transition Team prior to January 20, 2017, so that you may begin your federal service that day with the confidence that you are in compliance with all federal ethics requirements. Please let us know when would be best for you, and we will work to accommodate your schedule if at all possible. As always, please also feel free to ask any questions you may have.

Thank you, and we look forward to working with you soon.

Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8064

Direct Dial: 202-564-5551

To: Sugiyama, George[sugiyama.george@epa.gov]

From: Fugh, Justina

Sent: Thur 5/18/2017 1:06:15 AM

Subject: Reminder about your new entrant report

Dear George,

I am writing to remind you about your obligation to file a new entrant public financial disclosure report by 5/22/17. We cannot grant you any more extensions of time but there is a 30 day grace period following the end of your deadline. However, if EPA Ethics does not receive your final report by midnight of June 21, 2017, then you will be subject to a \$200 late filing fee. You will of course still have to file the report too!

If you have any questions regarding this requirement or need assistance, please contact Dan Fort at fort.daniel@epa.gov or 202 564 2200 or me at fort.daniel@epa.gov or 202 564 1786.

Thanks, Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: Bangerter, Layne[bangerter.layne@epa.gov]; Ericksen,

Doug[ericksen.doug@epa.gov]; Sugiyama, George[sugiyama.george@epa.gov]

From: Fugh, Justina

Sent: Fri 4/7/2017 2:41:21 PM

Subject: Your financial disclosure report is due TODAY

Hi there,

You have been receiving weekly reminders from INTEGRITY about your requirement to file your new entrant public financial disclosure report. That report is due 30 days after you start federal employment, but you were each granted a 45-day extension. Your new due date is today, but you have not yet started your report.

If you need another extension, you must ask TODAY (before midnight) by sending me an email that explains why you need more time. If you are approved for an extension, then your new due date will be in May, but that will be the last one. If you are granted an extension by me (and, remember, I need a reason from you for why you need more time), but miss the new deadline, then you will be fined \$200.

Even if you plan to leave federal service soon, you can't escape this requirement. You still have to file the new entrant report AND you will have to file a termination report too. There are criminal and civil penalties for failure to file. Not to sound too ominous, but a former political appointee failed to file her termination report, so I had to refer the matter to the Justice Department after almost 2 years of waiting patiently. Not only did she have to file the report, but she also had to pay a civil penalty of \$15,000. Please don't let that be you!

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: From: Sent: Subject:	Sugiyama, George[sugiyama.george@epa.gov] Fugh, Justina Thur 3/9/2017 2:08:10 AM reminder about ethics
Hi there,	
1) Pro	esident's Ethics Pledge
Ethics Corestriction	now, on January 28, 2017, President Donald J. Trump issued an Executive Order on ommitments for all political appointees in his administration that contains additional ns during and after your federal service. You were required to sign this pledge, which done (thanks!). Here is a reminder about the significant points of the Executive Order:
If you we	re a federally registered lobbyist in the previous 2 years
lobbied v	For the next 2 years, you will not participate in any particular matter on which you within the previous 2 years and you will not participate in the specific issue area in at particular matter falls.
While you	u are a federal employee
	You cannot accept any gifts from a registered lobbyist, including attendance at a tended gathering. There are a few exceptions, so ask an ethics official for guidance, often.
particular	For 2 years from the date of your appointment, you will not participate in any matter involving specific parties that is directly and substantially related to your apployer or former client(s), including regulations and contracts; and
	Any hiring or other employment decisions you make will be based on the e's qualifications, competence and experience.
After you	leave federal service –
•	☐☐☐ For 5 years, you will not engage in any lobbying activities with respect to the

agency in which you were appointed to serve;
• • • • • For the remainder of the Administration, you will not engage in lobbying activities with respect to any covered executive branch official or non-career SES employee; and
• • • • • For the rest of your life, you will not engage in any activity on behalf of a foreign government or foreign political party as their "agent" requiring registration under the Foreign Agents Registration Act of 1938 and defined at 22 U.S.C. § 611(c) (as those terms were defined as of 1/20/17).
Finally, you agree that the terms of the ethics pledge are binding upon you.
2) You have an extension until 4/7 to file your new entrant financial disclosure report, so please don't miss that deadline. I'm not really inclined to grant any further extensions.
3) I'm going to draft a recusal statement for you to address your wife and your former firm/clients. Typically, I wait until I get the financial information, but I think that, for lawyers, I'm now inclined to do the recusal early and then augment it later with any financial information. So look for that soon.
Cheers, Justina
Justina Fugh Senior Counsel for Ethics Office of General Counsel US EPA Mail Code 2311A Room 4308 North, William Jefferson Clinton Federal Building Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) phone 202-564-1786 fax 202-564-1772

To: Sugiyama, George[sugiyama.george@epa.gov]

From: Fugh, Justina

Sent: Wed 2/8/2017 4:17:12 PM Subject: RE: [Ex. 6-Personal Prince] industry group[

No, you cannot go in your official EPA capacity at all. Are you instead asking to go in your personal capacity? If so, then you cannot go on EPA time (must instead take leave or leave without pay), cannot make reference to your EPA position or title, and instead speak about your personal experiences related to the campaign and the transition. You cannot speak on behalf of EPA, in your official capacity at all. You have a "covered relationship" with your wife, and your ethics official is disinclined to permit you to interact with her in your official capacity.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Sugiyama, George

Sent: Tuesday, February 07, 2017 5:24 PM **To:** Fugh, Justina < Fugh. Justina@epa.gov>

Subject: [EX. 8 - Personal Privacy industry group[

I was wondering if I could appeared at [El. 6. Personal Privacy] industry group meeting. She is the General Counsel. I will talk generally about the transition.

To: Ex. 6 - Personal Privacy

Cc: Sugiyama, George[sugiyama.george@epa.gov]

From: Fugh, Justina

Sent: Wed 2/1/2017 9:44:28 PM
Subject: RE: Request for an appointment

His loss, Ex. 6 - Personal Privacy

Let's save you a trip downtown and start with a phone call. What does tomorrow or Friday look like for you?

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Ex. 6 - Personal Privacy On Behalf Of Ex. 6 - Personal Privacy Sent: Sunday, January 29, 2017 1:51 PM

To: Fugh, Justina <Fugh.Justina@epa.gov>

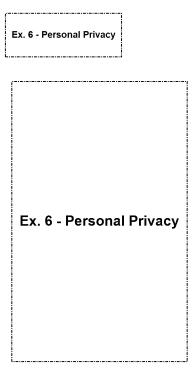
Cc: Sugiyama, George <sugiyama.george@epa.gov>

Subject: FW: Request for an appointment

So I guess George doesn't want to come meet with us Justina. 🟵

There's nothing pressing about the timing of a meeting, but I think it is prudent at some point. You probably are going to be doing a lot of these for newbies over the coming weeks, so whenever is convenient for you. And p.s., although I am kind of a morning person, the traffic is so bad from our area that *later* in the morning is best for me. *Or* we could just talk on the phone if you think that would work too.

Thanks for taking the time!



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From: Sugiyama, George [mailto:sugiyama.george@epa.gov]

Sent: Thursday, January 26, 2017 5:04 PM

To: Fugh, Justina
Cc: Ex. 6 - Personal Privacy

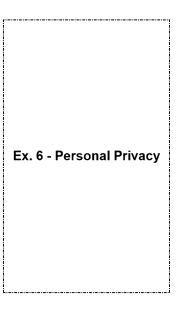
Subject: Re: Request for an appointment

Fine with me. I need not attend

Sent from my iPhone

On Jan 26, 2017, at 4:05 PM, Fugh, Justina < Fugh. Justina@epa.gov > wrote:

Hi there, I would love to chat with you! Since George is the federal employee, though, I need to make sure he's okay with the idea and to see if he wants to sit in with us. If not, then we are free to carry on. I have to take a **Ex. 6 - Personal Privacy** but am free at 10 am. I will also return to the office around 4:30 pm and be working late if you're amenable. If you're a morning person, then we may have to wait until Tuesday. I have to be off on Monday to attend to Ex. 6 - Personal Privacy Justina Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772 Ex. 6 - Personal Privacy On Behalf Of Ex. 6 - Personal Privacy Sent: Thursday, January 26, 2017 1:36 PM **To:** Fugh, Justina < Fugh. Justina@epa.gov> **Subject:** Request for an appointment Dear Justina, With George over there now on the transition team, I wondered if I could get on your dance card to discuss potential ethics issues, in order to avoid them and be, as the Romans used to say, "purer than Caesar's wife." Would you let me know if you would be willing to do that and if so, when you have time for it on your dance card. My very best and many thanks, <image001.png>



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To: Ex. 6 - Personal Privacy

Cc: Sugiyama, George[sugiyama.george@epa.gov]

From: Fugh, Justina

Sent: Thur 1/26/2017 9:05:15 PM Subject: RE: Request for an appointment

Hi there,

I would love to chat with you! Since George is the federal employee, though, I need to make sure he's okay with the idea and to see if he wants to sit in with us. If not, then we are free to carry on. I have to take a Ex. 6 - Personal Privacy tomorrow afternoon, but am free at 10 am. I will also return to the office around 4:30 pm and be working late if you're amenable. If you're a morning person, then we may have to wait until Tuesday. I have to be off on Monday to attend to Ex. 6 - Personal Privacy

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Ex. 6 - Personal Privacy On Behalf Of Ex. 6 - Personal Privacy

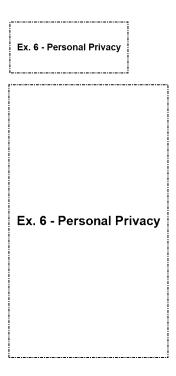
Sent: Thursday, January 26, 2017 1:36 PM **To:** Fugh, Justina < Fugh. Justina @epa.gov>

Subject: Request for an appointment

Dear Justina,

With George over there now on the transition team, I wondered if I could get on your dance card to discuss potential ethics issues, in order to avoid them and be, as the Romans used to say, "purer than Caesar's wife." Would you let me know if you would be willing to do that and if so, when you have time for it on your dance card.

My very best and many thanks,



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To: George Sugiyama Ex. 6 - Personal Privacy

From: Fugh, Justina

Sent: Wed 1/18/2017 2:00:26 PM

Subject: confirmation of our meeting on 1/17/17

Hi there,

It was a pleasure to see you yesterday. Here is a quick summary of our discussion:

- We met to talk about your ethics responsibilities as an incoming political appointee. You don't yet know what position you will have but I hope you take some comfort in knowing that our meeting met the requirements of 5 CFR 2638.304, initial ethics training, as set forth in the recently effective OGE rules.
- You operate George Sugiyama, LLC, a separate legal entity that takes only a few pro bono cases. You agree that you will not solicit any new clients during the time that you are working for EPA.
- You are otherwise retired.
- Your spouse owns and operates her own law firm, Ex. 6 Personal Privacy that advises clients on environmental compliance, which is directly related to EPA operations. She serves as the General Counsel for Ex. 6 Personal Privacy

 Ex. 6 Personal Privacy and also has a client Ex. 6 Personal Privacy |

 explained to you that you will have ethics issues with respect to Ex. 6 Personal Privacy her firm and her clients. You will not be permitted to work on any specific party matter in which she or her firm is a party or represents a party. We will assist you by drafting a recusal statement once you know where exactly you will be working.

I look forward to working with you in the future. Cheers, Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: Ex. 6 - Personal Privacy

Cc: Minoli, Kevin[Minoli.Kevin@epa.gov]

From: Fugh, Justina

Sent: Mon 1/16/2017 10:04:48 PM

Subject: RE: Your anticipated appointment to the United States Environmental Protection Agency

Hi there,

I am writing on behalf of Kevin Minoli, who regrets that he is unable to write back himself. Since you will be meeting with me anyway, I thought that I could just write to you myself. I am confirming that you and I will meet tomorrow, January 17, at 8:30 am, and that the discussion will take one hour

As you know, we are located in the EPA Headquarters Complex, 1200 Pennsylvania Avenue, NW, in Washington, DC. We are in the William Jefferson Clinton North Building. The main visitor entrance to both the North and South Buildings are located directly above the Federal Triangle Metro Station, which is on 12th Street, midway between Pennsylvania and Constitution Avenues. Once at the building, please proceed into the north entrance where you will be greeted by our security staff. As a guest, you will need to present a photo ID and proceed through the metal detectors. Please tell the guards that you are there to meet with me, and they will call me at 564 1786 to let me know that you have arrived. I will then come down and meet you at the main entrance and escort you up to my office.

Looking forward to seeing you again,

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: George Sugiyama [mailto] Ex. 6 - Personal Privacy

Sent: Monday, January 16, 2017 11:35 AM To: Minoli, Kevin < Minoli. Kevin@epa.gov> Cc: Fugh, Justina < Fugh. Justina@epa.gov>

Subject: Re: Your anticipated appointment to the United States Environmental Protection

Agency

On Sat, Jan 14, 2017 at 8:48 PM Minoli, Kevin < Minoli.Kevin@epa.gov > wrote:
Hi: can we meet sometime tomorrow morning?
Dear George-
Your name was included on a list of individuals
identified by the President-Elect's Transition Team as one of the non-career officials expected to join the United States Environmental Protection Agency (EPA) on or about January 20, 2017. Let me be one of the first to say "Welcome (back) to the EPA!"
As you know, I am the agency's Designated Agency

Ethics Official and Principal Deputy General Counsel, and I have copied Justina Fugh, Senior Counsel for Ethics and the Director of the Office of General Counsel's Ethics Team, on this email. Justina, the Ethics Team, and I are all committed to working with

you now, while you are at the EPA, and after you complete your service with the agency to ensure you understand the federal ethics requirements, how they apply to you at that point in time and based on your specific circumstances, and how you can comply with

those requirements. For some of the federal ethics requirements, a violation of the requirement is a criminal violation, and we would be legally obligated to refer that violation to our Office of Inspector General. Regardless of the penalty, though, the federal

ethics requirements were, in the words of President George Bush in Executive Order 12,674, designed to "ensure that every citizen can have complete confidence in the integrity of the Federal Government." Our goal as the leaders of the EPA's ethics program

is to provide you with excellent customer service from this point forward to help achieve that vision.

We anticipate that on Friday, January 20, 2017,

you will be appointed to a limited term position with the United States Environmental Protection Agency. As an employee, you will be subject to the Standards of Ethical Conduct for Employees of the Executive Branch,

5 CFR Part 2635; the Hatch Act,

5 USC § 7321 et seq., and the conflict of interest statutes codified in Title 18 of the United States Code, including the financial conflicts at

18 USC § 208 and representational conflicts at

18 USC §§ 203 and

205. In order to comply with these requirements, you will need to complete a public financial disclosure report in INTEGRITY, an online electronic reporting system, and to have an ethics briefing with our team

as soon as possible. In addition, when you leave EPA, you will be subject to the post-employment provisions set forth at

18 USC § 207.

We understand that folks are anxious to get started,

and the agency has been asked to undertake all necessary actions to enable you to enter federal service on the afternoon of January 20, 2017. To explain the federal ethics requirements and your obligations to you, and to ensure that your participation in a

matter or on an issue does not present any ethics conflicts or appearance of conflicts, the EPA Ethics Team is ready to meet with you beginning Monday January 16, 2017. We will be available each day that week during normal business hours and during the evening

if helpful. If you are already in the Washington, DC, area, we would welcome you at our offices at 1200 Pennsylvania Avenue, NW, or at a location nearby if security and preparations for the inauguration make accessing our building difficult. If it is not possible

to meet in person, we are available by Skype for Business, Adobe Connect, or the old-fashioned telephone.

Our goal is to meet with all of the individuals				
identified by the President-Elect's Transition Team prior to January 20, 2017, so that you may begin your federal service that day with the confidence that you are in compliance with all federal ethics requirements. Please let us know when would be best for				
you, and we will work to accommodate your schedule if at all possible. As always, please also feel free to ask any questions you may have.				
Thank you, and we look forward to working with				
you soon.				
Kevin				

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8064

Direct Dial: 202-564-5551

From: Minoli, Kevin

Location: WJC North 1200 Pennsylvania Ave

Importance: Normal Subject: Ethics Counseling

Start Date/Time: Tue 1/17/2017 1:30:00 PM **End Date/Time:** Tue 1/17/2017 2:30:00 PM

Contact Numbers:

Justina: 564-1786

Kevin: 564-5551

To: Minoli, Kevin[Minoli.Kevin@epa.gov]

From: George Sugiyama

Sent: Mon 1/16/2017 4:55:39 PM

Subject: Meeting

I sent you an earlier w mail about meeting tomorrow AM. It would be preferable to meet about 8:30 AM. I can lock that time in . The transition folks have grabbed my schedule and set a number of mandatory meetings and phone calls. Before they do anything else I can tell them I am not available.

To: Sugiyama, George[sugiyama.george@epa.gov]

Cc: Fugh, Justina (Fugh.Justina@epa.gov)[Fugh.Justina@epa.gov]

From: Minoli, Kevin

Sent: Fri 3/3/2017 5:25:31 PM

Subject: RE: Hearth, Patio & Barbecue Association v. EPA

Hi George- Because you reference an "old colleague" I need to ask who it is to determine whether you have any ethics considerations to be mindful of before I respond. In the alternative, you may simply direct the individual to me and I will respond as we would for any member of the public. Kevin

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8040

From: Sugiyama, George

Sent: Monday, February 27, 2017 11:24 AM **To:** Minoli, Kevin Minoli, Kevin@epa.gov

Subject: Hearth, Patio & Barbecue Association v. EPA

I keep getting call about this from an old colleague. He wants to know if EPA plans to change its timing on this matter as briefing is drawing near. Any information?? Thanks, george

To: Sugiyama, George[sugiyama.george@epa.gov]

From: Minoli, Kevin

Sent: Mon 2/27/2017 4:31:39 PM

Subject: RE: Hearth, Patio & Barbecue Association v. EPA

I will find out some information and then circle back with you. It may be best to direct the person to OGC (me), but we can discuss that once I know something about the matter.

Kevin S. Minoli

Acting General Counsel

Office of General Counsel

US Environmental Protection Agency

Main Office Line: 202-564-8040

From: Sugiyama, George

Sent: Monday, February 27, 2017 11:24 AM **To:** Minoli, Kevin Minoli, Kevin@epa.gov

Subject: Hearth, Patio & Barbecue Association v. EPA

I keep getting call about this from an old colleague. He wants to know if EPA plans to change its timing on this matter as briefing is drawing near. Any information?? Thanks, george

From: Minoli, Kevin

Location: WJC North 1200 Pennsylvania Ave

Importance: Normal Subject: Ethics Counseling

 Subject:
 Ethics Counseling

 Start Date/Time:
 Tue 1/17/2017 1:30:00 PM

 End Date/Time:
 Tue 1/17/2017 2:30:00 PM

Contact Numbers:

Justina: 564-1786

Kevin: 564-5551

To: "Sugivama Geomelsugivama geome@ena.gov]

Cc: Ex. 6 - Personal Privacy , Minoli, Kevin[Minoli.Kevin@epa.gov]

From: Fugh, Justina

Sent: Fri 9/15/2017 3:28:26 PM

Subject: Your departure -- ethics advice and reminders Departing EPA for George Sugiyama - sched C.docx

STOCK Act Negotiations Form.pdf

Hi George,

Thank you for informing me that you will be leaving EPA effective today. I sent you an email so that we could try to meet in person to go over your ethics obligations, but if we are not able to connect today, then I will follow up next week so that we can be sure to address the issues below.

POST EMPLOYMENT OBLIGATIONS

Attached is a summary of ethics advice for you that includes your obligations under the post employment statute, 18 USC 207, and the Trump Ethics Pledge that you signed. Please pay attention to the fact that you cannot be a registered foreign agent nor can you lobby or engage in any lobbying activity back to this Administration.

FINANCIAL DISCLOSURE REPORT

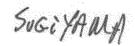
I see that you filed your new entrant report today, but as you know, that's a very late filing. Yikes! We need to discuss the fact that, pursuant to 5 C.F.R. § 2634.704, you are subject to the \$200 late filing fee, made out to the US Treasury. Do you wish to request a waiver? To do so, you must send your request in writing to Kevin Minoli, Designated Agency Ethics Official, and provide an explanation with supporting documentation. But wait, there's more. You also must file a termination report. If we talk, perhaps I can figure out how to treat your submission as meeting both obligations, but I won't be able to absolve you of the late fee for that tardy new entrant report. As I said, for that, you have to ask Kevin Minoli for a waiver.

SEEKING OR NEGOTIATING FOR EMPLOYMENT?

My recollection from our conversation back in January was that you were pretty much retired prior to joining the beachhead team. If you're going to return to that situation, then I take it that you were not negotiating for any future employment while at EPA. If that's the case – and please confirm – then you do not need to send me the attached STOCK Act notification form.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

- 1. I will not, within 5 years after the termination of my employment as an appointee in any executive agency in which I am appointed to serve, engage in lobbying activities with respect to that agency.
- 2. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, I agree that I will abide by those restrictions.
- 3. In addition to abiding by the limitations of paragraphs 1 and 2, I also agree, upon leaving Government service, not to engage in lobbying activities with respect to any covered executive branch official or non-career Senior Executive Service appointee for the remainder of the Administration.
- 4. I will not, at any time after the termination of my employment in the United States Government, engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2017, would require me to register under the Foreign Agents Registration Act of 1938, as amended.
- 5. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
- 6. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
- 7. If I was a registered lobbyist within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 6, I will not for a period of 2 years after the date of my appointment participate in any particular matter on which I lobbied within the 2 years before the date of my appointment or participate in the specific issue area in which that particular matter falls.
- 8. I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.

9. I acknowledge that the Executive Order entitled 'Ethics Commitments by Executive Branch Appointees,' issued by the President on January 28, 2017, which I have read before signing this document, defines certain terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the obligations of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Government service.

Printed Name:	George	Y. 5a	igiyan	ru
Signature:	Stife		erakkan kara ong karapakki kila karapay opyikim-ani pagjing sapapum ni ingon	h oppdokum na hil de opdokoj po po manim policija si manim na hil koji si si manim na hil koji si si si manim na hil koji si si si manim na hil koji si si si si si na na na hil koji si si si si na na na hil koji si si si si na na na hil koji si si si si na na na hil koji si si si si si na na na hil koji si si si si na na na hil koji si
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George Sugiyama OA



Certified by: Justina Fugh Certificate Dated: 01/17/2017 Certificate ID Number: JFUH-AJ6TEU Full Organization: OA

According to the EPA Domino Directory. Contact your local Help Desk if this organizational information is not correct.

OGE-278 Filers Must Notify OGC/Ethics about Any Negotiation or Agreement for Future Employment Use one form per negotiation or agreement.

NOTIFICATION OF NEGOTIATION OR AGREEMENT

Your full name	Your telephone number*	Date negotiation or agreemen	Date negotiation or agreement began	
Your Title/ Office / AAship or Region * Provide information for OGC/Ethics to	Your email address* o use to contact you as part of our official duty. For this purpo	Name of the non-federal entity with which you are negotiating or have an agreement for employment you may use a personal email address or cell number.		
	RECUSAL STATEMENT			
	Check the appropriate box for each staten	nent.		
Yes No 1.				
3. The work I participat	te in affects or will affect the non-federal entity with w	which I am seeking employment.	l obligations.	
personally and substantially in any par	e an agreement of employment or compensation wi rticular matter that has a direct and predictable et a written authorization or waiver consistent with 5	fect on the financial interests of	this entity,	
Your signature (print this and sign manually;	no digital signatures) Date s	signed		
Scan and Submit forms t	o ethics@epa.gov or fax to OGC/	Ethics at 202-564-17	72.	
OGC/Ethics Use Only:				

Statement 1: EPA's programs, policies, or operations affect the non-federal entity with which I am seeking employment.

If your answer is "yes" to any of the following questions, then you must answer "yes" to statement 1.

- Is the non-federal entity seeking official action from EPA (even if not your own office)?
- Does the non-federal entity do business or seek to do business with the EPA (even if not your own office)?
- Does the non-federal entity conduct activities that EPA regulates (even if not in your own office)?
- Does the non-federal entity have interests that may be substantially affected by the performance or non-performance of your official duties?
- Is the non-federal entity a membership organization in which the majority of the members are described in the preceding questions?

Statement 2: My office in EPA does work that affects the non-federal entity with which I am seeking employment.

To answer this question, think about the nexus between the work of your office and the non-federal entity. The closer the nexus, the more likely you will have to check "yes" to statement 2.

- Consider the particular matters your office works on and whether there is any connection to the work of this entity. Does your office work on permits, investigations, litigation, grants, licenses, contracts, applications, enforcement cases, or other similar types of matters where there is an identified non-federal entity (i.e., particular matters involving specific parties)?
- Also consider whether your office is involved in scientific programs, media programs, or other types of policies, procedures, guidance documents, regulations, etc., that would affect this particular industry or sector (i.e., particular matters of general applicability).

Statement 3: The work I participate in affects or will affect the non-federal entity with which I am seeking employment.

Think about the nexus between your work and the non-federal entity as well as its respective class, industry or sector. The closer the nexus between your work and the sector the non-federal entity belongs to, the more likely you will check have to check "yes" to statement 3.

- Will the work you do affect the sector? Don't concentrate on whether your personal contributions will be determinative but rather, overall, how the outcome of the work itself will affect the sector and the non-federal entity with which you are negotiating.
- Do you advise on or consult with your colleagues' projects and work? Does their work affect this sector or the non-federal entity?
- Do you actively supervise or assign work to subordinates? Do those assignments affect the sector or the non-federal entity?

Need help answering these statements? Contact ethics@epa.gov to discuss.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY



Washington, D.C. 20460

OFFICE OF GENERAL COUNSEL

FOR GEORGE SUGIYAMA SCHEDULE C

Ethical Considerations Related to Your Transition Out of EPA

During your federal service, you have been subject to the Standards of Ethical Conduct for Employees of the Executive Branch as well as federal conflict of interest statutes, the STOCK (Stop Trading on Congressional Knowledge) Act and the Trump Ethics Pledge. Although many of these rules will no longer affect you when you leave federal service, you will still be bound by post-employment restrictions and, because you are a political appointee, you will also be bound by the Trump Ethics Pledge that you signed.

This document provides an overview of the most important ethics considerations that you need to know when you transition out of Government service. The relevant statute is 18 U.S.C. § 207, and the implementing regulations are found at 5 C.F.R. Part 2641. Having an understanding of your ethics obligations before and after Government service will help you avoid ethics pitfalls.

THINGS YOU NEED TO KNOW BEFORE YOU LEAVE GOVERNMENT SERVICE

1. Your ethics obligations begin when you start looking for a job

You can't participate in official matters that will have a direct and predictable effect on the financial interests of any person or entity with whom you are seeking employment.

"Seeking employment" begins when you:

- directly or indirectly make an unsolicited communication regarding possible employment with any person or entity;
- engage in negotiations with a view toward reaching an agreement regarding possible employment;
- receive a response to a job application or employment proposal indicating an interest in employment discussions; or
- make a response, other than rejection, to an unsolicited communication from any person regarding possible employment with that person.

"Seeking employment" ends when:

- you, or the prospective employer, reject the possibility of employment and all discussions of possible employment have terminated; or
- two months have elapsed since you sent an unsolicited resume or employment proposal, and you have not received an interest in employment discussions. 5 CFR 2635.603(b)(2).

Example: You are contacted by an official of a State Environmental Department. In the call, he asks if you are interested in leaving EPA because they have a spot for you. You're flattered, but say that you are very happy with your job at EPA and are not interested in leaving. You add that you will remember his interest if you ever decide to leave the Government.

Answer: Because you declined the offer, you have rejected the unsolicited employment overture and have not begun seeking employment.

But just deferring discussions until the foreseeable future may not constitute rejection of an employment possibility. Here are two examples of deferring, with different results:

Example: Let's say you gave a speech to a trade association and afterwards, someone said, "Hey, have you been thinking about what you're going to do when the Trump Administration is over? My company would be very interested in someone like you." You say that you aren't thinking about anything until after January 2021, so perhaps they can contact you then.

Answer: This response will be considered a rejection.

Another Example: But let's say instead that you know your region is working on an issue that involves that very company, and you responded to the inquiry by saying you cannot discuss future employment while you are working on that issue but you would like to discuss employment with the company when the issue is resolved.

Answer: Because you have merely deferred employment discussions until the foreseeable future, you have begun "seeking employment" under the ethics regulations and now cannot work on issue that involves the company. It's not sufficient that you said you won't talk to them until after the project is over. You have to deal with the conflicts issue now.

2. Don't participate in official matters that affect anyone with whom you are seeking employment

When you are seeking employment, you can't work personally and substantially on any particular matter that affects (directly and predictably) the financial interest of the prospective employer(s). You have to be careful about particular matters of general applicability as well as particular matters involving specific parties. The interests of a prospective employer are imputed to you for the purposes of the federal criminal conflict of interest statute, 18 USC § 208.

Example: You are seeking employment with a State, so you can't work on a rulemaking that affects that State specifically or all of the States as a class. The reason is that the rulemaking (which is a particular matter) has a direct and predictable financial effect on all States, including the one with which you are seeking employment.

But you can (under a 2016 revision to the seeking employment rules) participate in a matter of general applicability:

Example: You're still waiting to hear from Smith and Jones, the environmental consulting company, regarding the application you sent in last month. You could work on a bid proposal that might be of potential interest to environmental consulting companies like Smith and Jones. You could also work on rulemaking comments sent in by other environmental consulting firms.

But once there's a nibble of interest, then the interests of a prospective employer are imputed to you for the purposes of the federal criminal conflict of interest statute, 18 USC § 208.

Example: You are seeking employment with a State, and they say that they want you to come in for an interview. Now you can't work on a rulemaking that affects that State specifically or all of the States as a class. The reason is that the rulemaking (which is a particular matter) has a direct and predictable financial effect on all States, including the one with which you are seeking employment.

The most common way to resolve conflicts issues is to disqualify – or recuse – yourself from participating in the particular matter. To disqualify from participating in a conflicting matter, you should notify the supervisor who makes assignments to you. Oral notice is sufficient, but written notice is wiser, and you should also notify anyone else who may consult with you on these matters.

The need for **disqualification** <u>begins</u> when you agree to discuss the prospect of employment with any person -- contractor, company, firm, or someone affected by your duties -- regardless of who makes the first contact. It is also triggered when you send a targeted resume to any person or entity over which you have responsibility in your official duties.

Disqualification <u>ends</u> when you or the prospective employer reject the possibility of employment and all discussions of employment have terminated. Disqualification will also end if you do not hear from the potential employer for two months after sending out an unsolicited resume. Two months of silence after sending out a resume is deemed rejection.

3. Don't take official records with you

Official records must remain in the custody of the Agency. Within Agency guidelines, you may

be given permission to remove extra copies of records or other work-related, non-record materials. However, copies of records that are classified or otherwise restricted (such as under the Privacy Act or subject to privilege) must be maintained in accordance with Agency requirements. You may remove personal materials, such as family and personal correspondence, but must be careful not to remove any official records. The United States government has specific authority to enforce recovery of any unlawfully removed, altered or destroyed records. Talk to your records officer.

4. Take the post employment ethics online course

See: http://intranet.epa.gov/ogc/ethics/training.htm#leavingfederalservice

Internet version at http://www.epa.gov/ogc/LFS/10.html

ADDITIONAL THINGS YOU NEED TO KNOW BEFORE YOU LEAVE GOVERNMENT SERVICE

5. Once you begin negotiations, you have to contact OGC/Ethics

Under the STOCK Act, you are required to complete the "Notification of Negotiating or Agreement" form and submit it to OGC/Ethics within three business days of entering into agreements or commencing negotiations for future employment after EPA or compensation after EPA with a non-federal entity.

Future employment means any compensated employment that starts after you leave EPA. The notification requirement does not apply to employment or compensated activities that occur while you are still an EPA employee or if you are looking at another federal position.

Negotiation begins when you enter into two-way discussions or communications with another person that is mutually conducted with a view toward reaching an agreement regarding possible employment or compensation. As soon as you take a meaningful step toward reaching an agreement (even if not quite at the point of discussion about actual terms of employment), you have triggered the notification obligation. You have three business days to notify OGC/Ethics.

6. You will have to file a termination OGE-278e Financial Disclosure Form

You will be required to *submit a termination OGE-278e* through INTEGRITY within 30 days of your departure. We can (and will) assess a \$200 late filing fee, so if you think you need more time, you must ask OGC/Ethics for an extension BEFORE your deadline expires. We can grant two extensions of up to 45 days each, for a maximum of 90 days. Failure to file a termination OGE-278e is punishable by both criminal and civil penalties. In fact, in 2012, DOJ settled a case with a former EPA employee who did not file her termination 278. She had to turn in her form and pay a fine of \$15,000.

THINGS YOU NEED TO KNOW AFTER YOU LEAVE GOVERNMENT SERVICE

Even after you leave federal service, you will still be subject to the criminal provisions of 18 USC § 207 and its implementing regulations at 5 CFR Part 2641. If you were a procurement official, you will be subject to the Procurement Integrity Act at 41 USC § 423(d), 48 CFR § 3.104. Some of the restrictions depend upon your current rate of pay and your type of your appointment. In addition, as a political appointee, you are subject to the Trump Ethics Pledge.

1. We answer your post employment questions

If you have a post employment question, even after leaving EPA, you may contact your regional ethics counsel or any of us in OGC/Ethics. To reach OGC/Ethics, contact us collectively at ethics@epa.gov or individually as follows:

Kevin Minoli, Designated Agency Ethics Official, (202) 564-8040 or minoli.kevin@epa.gov

Justina Fugh, Senior Counsel for Ethics, (202) 564-1786 or fugh.justina@epa.gov

Jeanne Duross, Ethics Attorney, (202) 564-6595 or duross.jeanne@epa.gov

Shannon Griffo, Ethics Attorney, (202) 564-7061 or griffo.shannon@epa.gov

Jennie Keith, Ethics Officer, (202) 564-3412 or keith.jennie@epa.gov

Margaret Ross, Ethics Officer, (202) 564-3221 or ross.margaret@epa.gov

2. Remember: you have to file a termination OGE-278e Financial Disclosure Form

You are required to submit a termination OGE-278e in INTEGRITY no later than 30 days after leaving the Agency (unless you are going to another OGE 278e filing position). The coverage period for the termination report will be from January 1, 2016 through your last day of duty (Note: if you filed a new entrant report in 2016, then your reporting period is from your start date through your departure date). We can accept your report no earlier than 15 days before your departure, provided you attest to the fact that there will be no changes. If you need more time, we can give you two 45-day extensions, but you have to ask prior to the deadline and we need to know how to reach you by email and phone. Remember, failure to file can result in a \$200 late filing fee and other penalties, including up to \$56,916 in fines and/or one year in jail.

3. Trump Pledge Restrictions That Apply to You

After you leave federal service –

- For 5 years, you will not engage in any *lobbying activities with respect to the agency* in which you were appointed to serve;
- For the remainder of the Administration, you will not engage in *lobbying activities with* respect to any covered executive branch official or non-career SES employee; and
- For the rest of your life, you will not engage in any activity on behalf of a foreign government or foreign political party as their "agent" requiring registration under the Foreign Agents Registration Act of 1938 and defined at 22 U.S.C. § 611(c) (as those terms were defined as of 1/20/17).

NOTE: for the purposes of the pledge, *lobbying activities* means any oral or written communication to a covered executive branch official or non-career Senior Executive Service appointee, as well as any efforts that are intended, at the time of performance, to support a covered lobbying contact to such person.

4. Post-Employment Restrictions That Apply to All Former Employees

All former federal employees are subject to the permanent bar, the two-year bar, the one-year bar, and procurement integrity restrictions, though whether all of these restrictions apply to you will depend on the facts of your specific situation. In addition, as a political appointee, you are subject to the additional restrictions of the Trump Ethics Pledge.

Here is a brief review of the restrictions that apply to ALL former employees:

a) Permanent Bar, 18 USC § 207(a)(1):

All former employees are prohibited forever from representing a third party in an appearance before or communication to, with the intent to influence, any member of the United States government on a particular matter involving specific parties in which they participated personally and substantially while a government employee if the United States still has an interest in the matter. However, this restriction does not prohibit providing "behind the scenes" assistance (except for attorneys). And please note that, in some cases, the District of Columbia may be considered a federal entity under this provision.

If you worked on a "particular matter involving specific parties," then you can't represent another entity back to the government on that same matter. Examples of such matters include an investigation, application, request for a ruling or determination, contract, controversy, claim, charge, accusation, arrest, or judicial or other proceeding. The term does not include a rulemaking or other particular matter of general applicability, but would include a notice of intent that is specific to one chemical, for example. Even if a post-employment communication or appearance concerns the same particular matter, the representational bar does not apply unless the United States is a party or has a direct and substantial interest in that matter at the time of the post-employment representation.

"Personal" participation means you and includes the direction or control over a subordinate employee's participation. Your participation is considered "substantial" if your involvement at

the time was of significance to the matter. This includes decision-making, review, or recommendation as to the action to be taken.

b) One-Year Bar (Trade or Treaty Negotiations), 18 USC § 207(b)

For one year after leaving Government service, a former employee may not knowingly represent, aid, or advise on the basis of covered information, any other person (except the United States) concerning any ongoing trade or treaty negotiation in which, during his last year of Government service, he participated personally and substantially as an employee.

c) Compensation in matters affecting the Government, 18 U.S.C. § 203

Under this statute, a former employee is prohibited from receiving, either directly or indirectly, any compensation for any "representational services" in connection with any particular matter in which the United States is a party or has a direct and substantial interest. Section 203 applies equally to representational services rendered by you personally or by another person (provided that you share in the compensation for those services), and also prevents the new employer from paying you for any covered representational services that were provided at a time when you were still a Government employee. It does not matter whether or not you provided those representational services.

"Representational services" means communications to or appearances before Federal entities (not just EPA) with the intent to influence the Government on behalf of a third party. Common examples are legal and consulting services.

Example: A former EPA attorney joined Dewey, Cheatham and Howe, a prominent law firm with an extensive Federal practice. The former EPA attorney may not share in any fees attributable to representational services provided by the firm while the individual was still employed by the government. This means that his or her compensation plan may not include any actual firm profits where such profits derive in any part from covered representational services. In addition, the former EPA attorney may not receive a partnership interest that includes a share of fees generated from covered representational services rendered prior to his or her termination from Government service. Likewise, the former EPA attorney may not receive a bonus that is calculated in any part based upon the firm's receipt of such fees.

Similarly, if a former EPA employee joined "K Street Interest Group," a grass-roots lobbying firm, the former employee would have the same restrictions as the attorney in this example.

5. Additional Post-Employment Restrictions For Lawyers

Special Note for Lawyers (even if you didn't work at EPA as a lawyer)

Lawyers are reminded to consult their state bar rules which may differ from 18 USC § 207. Even if you were not working at EPA as an attorney, if you are admitted to practice, then you should review your bar rules. Though the federal post-employment laws permit "behind the scenes" conversations, the American Bar Association (ABA) restricts such communication. ABA Model Rule 1.11(a) permits a former government employee to represent a client in

connection with a matter in which the lawyer participated personally and substantially as a "public officer or employee" only if he first obtains consent from the appropriate government agency.

The DC Bar is even more restrictive than the ABA. DC Bar rule 1.11(a) prohibits the former employee from accepting employment in connection with a matter which is the same as, or substantially related to, a matter in which the lawyer participated personally and substantially as a public officer or employee. Under this rule, there is no waiver possibility, and the former government lawyer is not permitted even to provide "behind the scenes" work.

For these rules to apply, you do not need to have been classified as an attorney in the government; rather, you need only to have been a government employee who is licensed to practice law. So if you are lawyer working in a non-lawyer job in a program office and decide to leave federal service, you may have additional restrictions set forth by your State bar.

If you were in an attorney position, then please remember that you will have an obligation to abide by Rule 1.9, Duties to Former Clients, and cannot "switch sides" in the same specific party matter nor reveal client secrets.

6. Post Employment Exceptions and Waivers

There are some exceptions and waivers, but because they depend on specific sets of facts, we recommend that you confer with OGC/Ethics about your own situation. Typical exceptions include:

Acting on behalf of the US Government

Former employees can make representations back if they are carrying out official duties on behalf of the United States. For example, the post-employment restrictions do not apply to a former employee who is re-employed by the United States or is called as a witness by Congress. The restrictions do apply, however, to former employees who work for a federal contractor. That work is not deemed to be "an activity on behalf of the United States."

Acting As An Elected Official

Former employees can make representations back to the federal government if they are carrying out their official duties as an elected official of a State or local government. Please note, however, that this exception applies only to elected officials and not to all employment of State or local governments.

Employee of A Tribe

Former employees who are employees of (not contractors) or elected or appointed officials of a tribal organization or inter-tribal consortium can represent the tribe back to the United States, provided that they submit adequate notice to the EPA Administrator and OGC/Ethics. For more information, contact OGC/Ethics.

Scientific or Technological Information or Expertise

In some instances (but not for EPA), a former employee may make communications or appearances back to the federal government solely for the purpose of furnishing scientific or technological information in accordance with procedures set forth by the agency or agencies involved. The exception does not extend to nontechnical disciplines such as law, economics or political science.

Unfortunately, at this time EPA does not have any procedures in place to apply this exception. Therefore, to apply this exception, the Administrator would have to publish a certification in the Federal Register stating that the individual has outstanding qualifications in a scientific, technological, or other technical discipline, is acting with respect to a particular matter which requires such qualifications, and that the national interest would be served by the former employee's participation. To our knowledge, EPA has never invoked this exception.

Testimony

A former employee may give testimony under oath or make statements required to be made under penalty of perjury. Unless expert opinion testimony is given pursuant to court order, or he is called as a witness by the United States, a former employee may not provide such testimony on a matter on behalf of any other person except the United States or Congress if he is subject to the lifetime prohibition contained in 18 USC §207(a)(1).

From: Minoli, Kevin

Location: 1200 Pennsylvania Ave NW - 1200 Pennsylvania Ave NW, Washington, District of

Columbia, United States Importance: Normal

Subject:Ethics Counseling for Holly GreavesStart Date/Time:Wed 1/18/2017 4:30:00 PMEnd Date/Time:Wed 1/18/2017 5:30:00 PM

To: Greaves, Holly[greaves.holly@epa.gov]

Sent: Thur 5/11/2017 9:13:40 PM **Subject:** your financial disclosure report

Hi there,

You may recall that I had mentioned to you that, as a public filer, your financial disclosure report can be made available to the public upon request. Well, I'm writing to confirm that your report has been requested and released. OGC/Ethics typically waits to fill those requests until after we have received and certified the report, and I finally got around to releasing a batch of reports on Friday of last week. Here are the people who received your report:

Kevin Bogardus, E&E News Joe Gaeta, Senator Sheldon Whitehouse Alison Gregor, ProPublica Alex Guillen, Politico Nick Surgey, Center for Media and Democracy

Best, Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Minoli, Kevin

Location: 1200 Pennsylvania Ave NW, Washington, District of Columbia, United States

Importance: Normal

Subject: Ethics Counseling Start Date/Time: Wed 1/18/2017 4:30:00 PM End Date/Time: Wed 1/18/2017 5:30:00 PM

Cc: Minoli, Kevin[Minoli.Kevin@epa.gov]
To: Fugh, Justina[Fugh.Justina@epa.gov]

From: holly greaves

Sent: Tue 1/17/2017 2:50:43 PM

Subject: Re: Your anticipated appointment to the United States Environmental Protection Agency

11:30 works great. Thanks for the additional information; this helps me prioritize as I wrap up current employment.

Looking forward to meeting you tomorrow!

On Jan 17, 2017, at 8:41 AM, Fugh, Justina < Fugh. Justina@epa.gov > wrote:

Hi there.

Would it be possible to meet at either 11:30 instead? We have someone else arriving at 10:30, and these conversations take an hour. During the talk, we can discuss whether you have any obvious conflicts of interest and that should help inform any recusal situation for you. Provided we can do that, then the financial disclosure report is due within 30 days after your start date.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: holly greaves [mailto Ex. 6 - Personal Privacy

Sent: Monday, January 16, 2017 9:28 PM
To: Fugh, Justina < Fugh. Justina@epa.gov >
Cc: Minoli, Kevin < Minoli. Kevin@epa.gov >

Subject: Re: Your anticipated appointment to the United States Environmental Protection

Agency

Hi Justina, thank you for accommodating! Wednesday at 11:00 would be great. Please confirm if that works for you.

What is the deadline for completion of the financial disclosures?

Thank you,

Holly Greaves

On Mon, Jan 16, 2017 at 4:50 PM, Fugh, Justina < Fugh. Justina@epa.gov > wrote:

Hi Ms. Greaves,

I am writing back on behalf of Kevin Minoli, who regrets that he is unable to write back himself. Since you will be meeting with me or someone on my team anyway, I thought that I could just write to you directly to get ourselves on the calendar. We are available to meet with you at any time convenient to you on Wednesday. We can meet as early as 8:30 am or as late as 7 pm. We ask that you come to our office, please, and expect to spend an hour with us.

Looking forward to meeting you.

Justina

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From: holly greaves [mailto: Ex. 6 - Personal Privacy

Sent: Monday, January 16, 2017 1:06 PM **To:** Minoli, Kevin < Minoli.Kevin@epa.gov > **Cc:** Fugh, Justina@epa.gov >

Subject: Re: Your anticipated appointment to the United States Environmental Protection Agency

Hi Kevin,

I just learned that our orientation for the appointment process is going to occur tomorrow, so unfortunately I will not be able to meet at 1:30.

What is your availability on Wednesday?

Thanks so much,

Holly Greaves

On Mon, Jan 16, 2017 at 2:01 AM, Minoli, Kevin < Minoli.Kevin@epa.gov > wrote:

Hi Holly- Thank you for your reply. Yes, 1:30 on Tuesday the 17th will work for us. I have included detailed information on how to locate our offices below. Please let me know if any part of them is unclear.

We look forward to meeting you on Tuesday.

Kevin

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Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8064

Direct Dial: 202-564-5551

From: holly greaves Ex. 6 - Personal Privacy

Sent: Monday, January 16, 2017 12:12 AM

To: Minoli, Kevin Cc: Fugh, Justina

Subject: Re: Your anticipated appointment to the United States Environmental

Protection Agency

Hi Kevin/Justina,

Thank you for your email, and I look forward to working with you! I appreciate the information and would love to discuss in person. Are you available to meet on Tuesday, the 17th at EPA headquarters anytime between 1:30 and 3:30?

Thanks so much,

Holly Greaves

On Jan 14, 2017, at 8:22 PM, Minoli, Kevin < Minoli.Kevin@epa.gov > wrote:

Dear Ms. Greaves-

Your name was included on a list of individuals identified by the President-Elect's Transition Team as one of the non-career officials expected to join the United States Environmental Protection Agency (EPA) on or about January 20, 2017. Let me be one of the first to say "Welcome to the EPA!"

I am the agency's Designated Agency Ethics Official and Principal Deputy General Counsel, and I have copied Justina Fugh, Senior Counsel for Ethics and the Director of the Office of General Counsel's Ethics Team, on this email. Justina, the Ethics Team, and I are all committed to working with you now, while you are at the EPA, and after you complete your service with the agency to ensure you understand the federal ethics requirements, how they apply to you at that point in time and based on your specific circumstances, and how you can comply with those requirements. For some of the federal ethics requirements, a violation of the requirement is a criminal violation, and we would be legally obligated to refer that violation to our Office of Inspector General. Regardless of the penalty, though, the federal ethics requirements were, in the words of President George Bush in Executive Order 12,674, designed to "ensure that every citizen can have complete confidence in the integrity of the Federal Government." Our goal as the leaders of the EPA's ethics program is to provide you with excellent customer service from this point forward to help achieve that vision.

We anticipate that on Friday, January 20, 2017, you will be appointed to a limited term position with the United States Environmental Protection Agency. As an employee, you will be subject to the Standards of Ethical Conduct for Employees of the Executive Branch, 5 CFR Part 2635; the Hatch Act, 5 USC § 7321 et seq., and the conflict of interest statutes codified in Title 18 of the United States Code, including the financial conflicts at 18 USC § 208 and representational conflicts at 18 USC § 203 and 205. In order to comply with these requirements, you will need to complete a public financial disclosure report in INTEGRITY, an online electronic reporting system, and to have an ethics briefing with our team as soon as possible. In addition, when you leave EPA, you will be subject to the post-employment provisions set forth at 18 USC § 207.

We understand that folks are anxious to get started, and the agency has been asked to undertake all necessary actions to enable you to enter federal service on the afternoon of January 20, 2017. To explain the federal ethics requirements and your obligations to you, and to ensure that your participation in a matter or on an issue does not present any ethics conflicts or appearance of conflicts, the EPA Ethics Team is ready to meet with you beginning Monday January 16, 2017. We will be available each day that week during normal business

hours and during the evening if helpful. If you are already in the Washington, DC, area, we would welcome you at our offices at 1200 Pennsylvania Avenue, NW, or at a location nearby if security and preparations for the inauguration make accessing our building difficult. If it is not possible to meet in person, we are available by Skype for Business, Adobe Connect, or the old-fashioned telephone.

Our goal is to meet with all of the individuals identified by the President-Elect's Transition Team prior to January 20, 2017, so that you may begin your federal service that day with the confidence that you are in compliance with all federal ethics requirements. Please let us know when would be best for you, and we will work to accommodate your schedule if at all possible. As always, please also feel free to ask any questions you may have.

Thank you, and we look forward to working with you soon.

Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8064

Direct Dial: 202-564-5551

To: Fugh, Justina[Fugh.Justina@epa.gov]
Cc: Minoli, Kevin[Minoli.Kevin@epa.gov]

From: holly greaves

Sent: Tue 1/17/2017 2:28:18 AM

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To: holly greaves Ex. 6 - Personal Privacy
Cc: Fugh, Justina Fugh. Justina epa.gov

From: Minoli, Kevin

Sent: Mon 1/16/2017 7:01:16 AM

Subject: Re: Your anticipated appointment to the United States Environmental Protection Agency

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the Executive Branch, <u>5 CFR Part 2635</u>; the Hatch Act, <u>5 USC § 7321 et seq.</u>, and the conflict of interest statutes codified in Title 18 of the United States Code, including the financial conflicts at <u>18 USC § 208</u> and representational conflicts at <u>18 USC §§ 203</u> and <u>205</u>. In order to comply with these requirements, you will need to complete a public financial disclosure report in INTEGRITY, an online electronic reporting system, and to have an ethics briefing with our team as soon as possible. In addition, when you leave EPA, you will be subject to the postemployment provisions set forth at <u>18 USC § 207</u>.

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Our goal is to meet with all of the individuals identified by the President-Elect's Transition Team prior to January 20, 2017, so that you may begin your federal service that day with the confidence that you are in compliance with all federal ethics requirements. Please let us know when would be best for you, and we will work to accommodate your schedule if at all possible. As always, please also feel free to ask any questions you may have.

Thank you,	and we	look forw	ard to w	orking v	vith you s	oon.

Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8064

Direct Dial: 202-564-5551

To: Ex. 6 - Personal Privacy

Cc: Fugh, Justina[Fugh.Justina@epa.gov]

From: Minoli, Kevin

Sent: Sun 1/15/2017 1:22:04 AM

Subject: Your anticipated appointment to the United States Environmental Protection Agency

Dear Ms. Greaves-

Your name was included on a list of individuals identified by the President-Elect's Transition Team as one of the non-career officials expected to join the United States Environmental Protection Agency (EPA) on or about January 20, 2017. Let me be one of the first to say "Welcome to the EPA!"

I am the agency's Designated Agency Ethics Official and Principal Deputy General Counsel, and I have copied Justina Fugh, Senior Counsel for Ethics and the Director of the Office of General Counsel's Ethics Team, on this email. Justina, the Ethics Team, and I are all committed to working with you now, while you are at the EPA, and after you complete your service with the agency to ensure you understand the federal ethics requirements, how they apply to you at that point in time and based on your specific circumstances, and how you can comply with those requirements. For some of the federal ethics requirements, a violation of the requirement is a criminal violation, and we would be legally obligated to refer that violation to our Office of Inspector General. Regardless of the penalty, though, the federal ethics requirements were, in the words of President George Bush in Executive Order 12,674, designed to "ensure that every citizen can have complete confidence in the integrity of the Federal Government." Our goal as the leaders of the EPA's ethics program is to provide you with excellent customer service from this point forward to help achieve that vision.

We anticipate that on Friday, January 20, 2017, you will be appointed to a limited term position with the United States Environmental Protection Agency. As an employee, you will be subject to the Standards of Ethical Conduct for Employees of the Executive Branch, <u>5 CFR Part 2635</u>; the Hatch Act, <u>5 USC § 7321 et seq.</u>, and the conflict of interest statutes codified in Title 18 of the United States Code, including the financial conflicts at <u>18 USC § 208</u> and representational conflicts at <u>18 USC §§ 203</u> and <u>205</u>. In order to comply with these requirements, you will need to complete a public financial disclosure report in INTEGRITY, an online electronic reporting system, and to have an ethics briefing with our team as soon as possible. In addition, when you leave EPA, you will be subject to the post-employment provisions set forth at <u>18 USC § 207</u>.

We understand that folks are anxious to get started, and the agency has been asked to undertake all necessary actions to enable you to enter federal service on the afternoon

of January 20, 2017. To explain the federal ethics requirements and your obligations to you, and to ensure that your participation in a matter or on an issue does not present any ethics conflicts or appearance of conflicts, the EPA Ethics Team is ready to meet with you beginning Monday January 16, 2017. We will be available each day that week during normal business hours and during the evening if helpful. If you are already in the Washington, DC, area, we would welcome you at our offices at 1200 Pennsylvania Avenue, NW, or at a location nearby if security and preparations for the inauguration make accessing our building difficult. If it is not possible to meet in person, we are available by Skype for Business, Adobe Connect, or the old-fashioned telephone.

Our goal is to meet with all of the individuals identified by the President-Elect's Transition Team prior to January 20, 2017, so that you may begin your federal service that day with the confidence that you are in compliance with all federal ethics requirements. Please let us know when would be best for you, and we will work to accommodate your schedule if at all possible. As always, please also feel free to ask any questions you may have.

Thank you, and we look forward to working with you soon.

Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8064

Direct Dial: 202-564-5551

To: Greaves, Holly[greaves.holly@epa.gov]

From: Fugh, Justina

Sent: Thur 5/11/2017 9:53:25 PM **Subject:** your financial disclosure report

Hi there,

You may recall that I had mentioned to you that, as a public filer, your financial disclosure report can be made available to the public upon request. Well, I'm writing to confirm that your report has been requested and released. OGC/Ethics typically waits to fill those requests until after we have received and certified the report, and I finally got around to releasing a batch of reports on Friday of last week. Here are the people who received your report:

Kevin Bogardus, E&E News Joe Gaeta, Senator Sheldon Whitehouse Alison Gregor, ProPublica Alex Guillen, Politico Nick Surgey, Center for Media and Democracy

Best, Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: From: Sent: Subject:	Greaves, Holly[greaves.holly@epa.gov] Fugh, Justina Thur 3/9/2017 1:57:47 AM reminder about ethics
Hi there,	
1) Pre	esident's Ethics Pledge
Ethics Corestriction	now, on January 28, 2017, President Donald J. Trump issued an Executive Order on symmitments for all political appointees in his administration that contains additional as during and after your federal service. You were required to sign this pledge, which done (thanks!). Here is a reminder about the significant points of the Executive Order:
• lobbied w	re a federally registered lobbyist in the previous 2 years The next 2 years, you will not participate in any particular matter on which you within the previous 2 years and you will not participate in the specific issue area in at particular matter falls.
•	ı are a federal employee
	You cannot accept any gifts from a registered lobbyist, including attendance at a tended gathering. There are a few exceptions, so ask an ethics official for guidance, often.
particular	For 2 years from the date of your appointment, you will not participate in any matter involving specific parties that is directly and substantially related to your apployer or former client(s), including regulations and contracts; and
	Any hiring or other employment decisions you make will be based on the 's qualifications, competence and experience.
After you	leave federal service –
	□□ For 5 years, you will not engage in any lobbying activities with respect to the

agency in which you were appointed to serve;
• • • • For the remainder of the Administration, you will not engage in lobbying activities with respect to any covered executive branch official or non-career SES employee; and
•□□□□□□□□ For the rest of your life, you will not engage in any activity on behalf of a foreign government or foreign political party as their "agent" requiring registration under the Foreign Agents Registration Act of 1938 and defined at 22 U.S.C. § 611(c) (as those terms were defined as of 1/20/17).
Finally, you agree that the terms of the ethics pledge are binding upon you.
2) Thanks for getting started on your new entrant financial disclosure report, but it is still with you. It appears you last made changes on 3/3, so if you thought you had sent it to us, unfortunately you didn't. Let me know if you need Dan Fort to make a house call!
3)
Cheers, Justina
Justina Fugh Senior Counsel for Ethics Office of General Counsel US EPA Mail Code 2311A Room 4308 North, William Jefferson Clinton Federal Building Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) phone 202-564-1786 fax 202-564-1772

From: Fugh, Justina Sent: Fri 2/17/2017 7:55:38 PM Subject: RE: financial disclosure - extension	
Hi Holly,	
Sure! You have 45 additional days so your report is now due 4/7/17.	
Justina	
Justina Fugh Senior Counsel for Ethics Office of General Counsel US EPA Mail Code 2311A Room 4308 North, William Jefferson Clinton Federal Building Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) phone 202-564-1786 fax 202-564-1772	
From: Greaves, Holly Sent: Friday, February 17, 2017 11:24 AM To: Fugh, Justina < Fugh. Justina@epa.gov> Subject: financial disclosure - extension	
Hi Justina,	
I hope you are well. I am writing to request an extension for completion of my financial disclosure. While I am making good progress, I need additional time to gather all of the required information.	
Thank you,	
Holly Greaves	

holly greaves Ex. 6 - Personal Privacy To:

Fugh, Justina From:

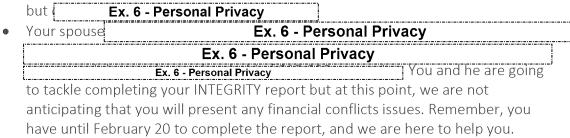
Sent: Thur 1/19/2017 2:14:33 AM

Subject: confirmation of our meeting earlier today

Hi there,

It was a sincere pleasure to meet you today! Here is a quick summary of our discussion:

- We met to talk about your ethics responsibilities as an incoming political appointee. You don't yet know exactly what position you will have but I hope you take some comfort in knowing that our meeting met the requirements of 5 CFR 2638.304, initial ethics training, as set forth in the recently effective OGE rules.
- You will resign your position with KPMG and therefore cease serving as a contractor for the Department of Labor. You are a salaried employee of KPMG



You will have a "covered relationship" with KPMG as your former employer. For one year after resignation, you can't work on any specific party matter in which KPMG is a party or represents a party. For example, if EPA wants to hire an outside auditor for some reason, you can't suggest KPMG without first discussing the issue with an ethics official.

We look forward to working with you in the future! Cheers, Justina

PS -- I mentioned to you the DC Tuition Assistance Grant program (see https://osse.dc.gov/dctag). Under this program, every DC resident is eligible to apply for up to \$10,000 toward the difference between in-state and out-of-state tuition at public four-year colleges and universities.

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: holly greaves Ex. 6 - Personal Privacy
Cc: Minoli, Kevin[Minoli.Kevin@epa.gov]

From: Fugh, Justina

Sent: Tue 1/17/2017 1:41:02 PM

Subject: RE: Your anticipated appointment to the United States Environmental Protection Agency

Hi there,

Would it be possible to meet at either 11:30 instead? We have someone else arriving at 10:30, and these conversations take an hour. During the talk, we can discuss whether you have any obvious conflicts of interest and that should help inform any recusal situation for you. Provided we can do that, then the financial disclosure report is due within 30 days after your start date.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: holly greaves [mailto Ex. 6 - Personal Privacy

Sent: Monday, January 16, 2017 9:28 PM **To:** Fugh, Justina <Fugh.Justina@epa.gov> **Cc:** Minoli, Kevin <Minoli.Kevin@epa.gov>

Subject: Re: Your anticipated appointment to the United States Environmental Protection

Agency

Hi Justina, thank you for accommodating! Wednesday at 11:00 would be great. Please confirm if that works for you.

What is the deadline for completion of the financial disclosures?

Thank you,

Holly Greaves

On Mon, Jan 16, 2017 at 4:50 PM, Fugh, Justina < Fugh. Justina@epa.gov > wrote:

Hi Ms. Greaves,

I am writing back on behalf of Kevin Minoli, who regrets that he is unable to write back himself. Since you will be meeting with me or someone on my team anyway, I thought that I could just write to you directly to get ourselves on the calendar. We are available to meet with you at any time convenient to you on Wednesday. We can meet as early as 8:30 am or as late as 7 pm. We ask that you come to our office, please, and expect to spend an hour with us.

Looking forward to meeting you.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: holly greaves [mailto Ex. 6 - Personal Privacy

Sent: Monday, January 16, 2017 1:06 PM
To: Minoli, Kevin < Minoli.Kevin@epa.gov >
Cc: Fugh, Justina < Fugh.Justina@epa.gov >

Subject: Re: Your anticipated appointment to the United States Environmental Protection Agency

Hi Kevin,

I just learned that our orientation for the appointment process is going to occur tomorrow, so unfortunately I will not be able to meet at 1:30.

What is your availability on Wednesday?

Thanks so much.

Holly Greaves

On Mon, Jan 16, 2017 at 2:01 AM, Minoli, Kevin < Minoli.Kevin@epa.gov> wrote:

Hi Holly- Thank you for your reply. Yes, 1:30 on Tuesday the 17th will work for us. I have included detailed information on how to locate our offices below. Please let me know if any part of them is unclear.

We look forward to meeting you on Tuesday.

Kevin

The Office of General Counsel is located in the EPA Headquarters Complex, 1200 Pennsylvania Avenue, NW, in Washington, DC. We are in the William Jefferson Clinton North Building. The main visitor entrance to both the North and South Buildings are located directly above the Federal Triangle Metro Station, which is on 12th Street, midway between Pennsylvania and Constitution Avenues. Once at the building, please proceed into the building where you will be greeted by our security staff. As a guest, you will need to present a photo ID and proceed through the metal detectors. We will leave a list with the guards that morning so they should be expecting you, but if for some reason they are not, simply please tell the guards that you are there to meet with myself or Justina, and they will let us know that you arrived. One of us will then come down and meet you at the main entrance and escort you up to our offices.

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8064

Direct Dial: 202-564-5551

From: holly greaves Ex. 6 - Personal Privacy
Sent: Monday, January 16, 2017 12:12 AM

To: Minoli, Kevin Cc: Fugh, Justina

Subject: Re: Your anticipated appointment to the United States Environmental

Protection Agency

Hi Kevin/Justina,

Thank you for your email, and I look forward to working with you! I appreciate the information and would love to discuss in person. Are you available to meet on Tuesday, the 17th at EPA headquarters anytime between 1:30 and 3:30?

Thanks so much,

Holly Greaves

On Jan 14, 2017, at 8:22 PM, Minoli, Kevin < Minoli.Kevin@epa.gov > wrote:

Dear Ms. Greaves-

Your name was included on a list of individuals identified by the President-Elect's Transition Team as one of the non-career officials expected to join the United States Environmental Protection Agency (EPA) on or about January 20, 2017. Let me be one of the first to say "Welcome to the EPA!"

I am the agency's Designated Agency Ethics Official and Principal Deputy General Counsel, and I have copied Justina Fugh, Senior Counsel for Ethics and the Director of the Office of General Counsel's Ethics Team, on this email. Justina, the Ethics Team, and I are all committed to working with you now, while you are at the EPA, and after you complete your service with the agency to ensure you understand the federal ethics requirements, how they apply to you at that point in time and based on your specific circumstances, and how you can comply with those requirements. For some of the federal ethics requirements, a violation of

the requirement is a criminal violation, and we would be legally obligated to refer that violation to our Office of Inspector General. Regardless of the penalty, though, the federal ethics requirements were, in the words of President George Bush in Executive Order 12,674, designed to "ensure that every citizen can have complete confidence in the integrity of the Federal Government." Our goal as the leaders of the EPA's ethics program is to provide you with excellent customer service from this point forward to help achieve that vision.

We anticipate that on Friday, January 20, 2017, you will be appointed to a limited term position with the United States Environmental Protection Agency. As an employee, you will be subject to the Standards of Ethical Conduct for Employees of the Executive Branch, <u>5 CFR Part 2635</u>; the Hatch Act, <u>5 USC § 7321 et seq.</u>, and the conflict of interest statutes codified in Title 18 of the United States Code, including the financial conflicts at <u>18 USC § 208</u> and representational conflicts at <u>18 USC § 203</u> and <u>205</u>. In order to comply with these requirements, you will need to complete a public financial disclosure report in INTEGRITY, an online electronic reporting system, and to have an ethics briefing with our team as soon as possible. In addition, when you leave EPA, you will be subject to the post-employment provisions set forth at <u>18 USC § 207</u>.

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Our goal is to meet with all of the individuals identified by the President-Elect's Transition Team prior to January 20, 2017, so that you may begin your federal service that day with the confidence that you are in compliance with all federal ethics requirements. Please let us know when would be best for you, and we will work to accommodate your schedule if at all possible. As always, please also feel free to ask any questions you may have.

Thank you, and we look forward to working with you soon.

Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: <u>202-564-8064</u>

Direct Dial: 202-564-5551

From: Minoli, Kevin

Location: 1200 Pennsylvania Ave NW, Washington, District of Columbia, United States

Importance: Normal Subject: Ethics Counseling

 Subject:
 Ethics Counseling

 Start Date/Time:
 Wed 1/18/2017 4:30:00 PM

 End Date/Time:
 Wed 1/18/2017 5:30:00 PM

From: Minoli, Kevin

Location: 1200 Pennsylvania Ave NW, Washington, District of Columbia, United States

Importance: Normal

Subject: Ethics Counseling Start Date/Time: Tue 1/17/2017 6:30:00 PM End Date/Time: Tue 1/17/2017 7:30:00 PM **To:** Fugh, Justina[Fugh.Justina@epa.gov] **Cc:** Bowman, Liz[Bowman.Liz@epa.gov]

From: Greaves, Holly

Sent: Fri 8/4/2017 2:44:19 PM

Subject: RE: your financial disclosure report

Thanks for letting me know Justina.

From: Fugh, Justina

Sent: Friday, August 4, 2017 9:30 AM

To: Greaves, Holly <greaves.holly@epa.gov>
Cc: Bowman, Liz <Bowman.Liz@epa.gov>
Subject: your financial disclosure report

Hi there,

You may recall that I had mentioned to you that, as a public filer, your financial disclosure report can be made available to the public upon request. Well, I'm writing to confirm that your report has been requested and will be released later today. OGC/Ethics typically waits to fill those requests until after we have received and certified the report, and I will finally get around to releasing a batch of reports today. Here is the person who will receive your report:

Rachel Leven, Public Integrity

Because the release will go to a member of the news media, I'm alerting OPA (but OPA won't actually see your form).

Best,

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Washington, D.C. 20460

As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

- 1. I will not, within 5 years after the termination of my employment as an appointee in any executive agency in which I am appointed to serve, engage in lobbying activities with respect to that agency.
- 2. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, I agree that I will abide by those restrictions.
- 3. In addition to abiding by the limitations of paragraphs 1 and 2, I also agree, upon leaving Government service, not to engage in lobbying activities with respect to any covered executive branch official or non-career Senior Executive Service appointee for the remainder of the Administration.
- 4. I will not, at any time after the termination of my employment in the United States Government, engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2017, would require me to register under the Foreign Agents Registration Act of 1938, as amended.
- 5. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
- 6. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
- 7. If I was a registered lobbyist within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 6, I will not for a period of 2 years after the date of my appointment participate in any particular matter on which I lobbied within the 2 years before the date of my appointment or participate in the specific issue area in which that particular matter falls.
- 8. I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.

9. I acknowledge that the Executive Order entitled 'Ethics Commitments by Executive Branch Appointees,' issued by the President on January 28, 2017, which I have read before signing this document, defines certain terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the obligations of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Government service.

Printed Name: _	Holly	Greaves	ydama daidwywyniaidd ddiai a cafarbyl y gygydynia andd ddiaiddiaidd ddiaidd conn y felydy y gygygydddiaidd a	
Signature:	How	Guas		
Date:	2/2	3/17		

Holly Greaves OA



Certified by: Justina Fugh Certificate Dated: 01/18/2017 Certificate ID Number: JFUH-AJ6TDC Full Organization: OA

According to the EPA Domino Directory. Contact your local Help Desk if this organizational information is not correct.

Western Caucus Foundation Monthly Breakfast 20170505T133000Z

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Description

By now you should have received the below invite from the Weste rn Caucus Foundation.

Usually 80+ House and Senate staffers attend the policy breakfast. EPA staff and Leadership staff will be at this breakfast as well as a few outside speakers from industry.

Here's the detail s: Friday, May 5th, 2017 9:30 a.m. – 10:45 a.m.

Senate Visitors Cen ter: Room 209-08

Sincerely,

Jeff Small

Executive Director | Congr essional Western Caucus Senior Advisor | Congressman Paul A. Gosar, D.D. S.

Monthly Policy Briefing

For Invited Guests: Co ngressional and Senate Western Caucus Staff

Friday, May 5th, 2017 9:30 a.m. – 10:45 a.m.

Senate Visitors Center: SVC 209-08

Speakers and Agenda To Be Announced.

Upcoming Monthly Staff Policy Briefings Location: U.S. Capitol, SVC Rooms TBA

Dates: June 9 Jul y 14

Western Caucus Foundation

Foundation events are planned to fully comply with Congressional Ethics Rules and Other Applicable Laws

The Western Caucus Foundation (WCF) is a charitable and educational organization organized and operated under Section 501(c)(3). It will provide education and communications to policy makers and the public to further enhance, sustain, and preserve the West's dynamic and unique culture.

End Date/Time

20170505T144500Z

DTSTAMP

20170427T185632Z

Start Date/Time

20170505T133000Z

Last Modified

20170427T191040Z

Priority

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Sequence Number

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Summary

Western Caucus Foundation Monthly Breakfast

Time Transparency

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X-MS-OLK-AUTOFILLLOCATION TRUE

X-MS-OLK-CONFTYPE

TRIGGER -PT15M

Layne Bangerter Ethics Emails

ACTION DISPLAY

<u>Description</u> Reminder

Cc: Ft	angerter, Layne[bangerter.layne@epa.gov] ugh, Justina[Fugh.Justina@epa.gov] ort, Daniel ue 4/11/2017 6:35:55 PM
Subject: R	E: Extension
As per Justi	ina Fugh's instruction, you have been granted an extension until May 22, 2017.
Dan	
Sent: Tueso	gerter, Layne day, April 11, 2017 1:19 PM Justina <fugh.justina@epa.gov>; Fort, Daniel <fort.daniel@epa.gov> xtension</fort.daniel@epa.gov></fugh.justina@epa.gov>
Justina: I n	eed another 45-day extension and the reasons are:
1. Need	d more time to gather information on Ex. 6 - Personal Privacy
	work load here has been pressing and I am in the middle of focusing on the workings ion; deadlines; etc
3. Most documents.	of my files and records are [a.s. Personal Prints] and will take time to travel and retrieve
Truly want	to get this accomplished before approximately May 22, 2017.
Sincerely,	
Layne R. B.	angerter

To: Bangerter, Layne[bangerter.layne@epa.gov]
Cc: Fugh, Justina[Fugh.Justina@epa.gov]

From: Fort, Daniel

Sent: Mon 4/10/2017 12:12:35 PM

Subject: RE: Assistance in completing the new entrant 278

I'm here today (Monday) until Noon. I'll then be out for the rest of the afternoon, returning tomorrow.

From: Fugh, Justina

Sent: Friday, April 07, 2017 2:59 PM

To: Bangerter, Layne <bangerter.layne@epa.gov>

Cc: Fort, Daniel <Fort.Daniel@epa.gov>

Subject: Assistance in completing the new entrant 278

Hi there,

You indicated that you would appreciate some personal help to navigate your new entrant report. On Monday, please call Dan Fort at 564 2200 to set up a time for him to make a house call to you.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

To: Fugh, Justina[Fugh.Justina@epa.gov]

From: Layne Bangerter

Sent: Mon 1/16/2017 3:36:12 PM

Subject: RE: Your anticipated appointment to the United States Environmental Protection Agency

Okay I will be there in about 1 hour.

Sent from Yahoo Mail on Android

On Mon, Jan 16, 2017 at 9:05 AM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi there,

I may have missed a response by Kevin but you should expect to spend at least one hour with us.

Cheers.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Layne Bangerter [mailto, Ex. 6 - Personal Privacy

Sent: Sunday, January 15, 2017 10:32 AM **To:** Minoli, Kevin < Minoli.Kevin@epa.gov> **Cc:** Fugh, Justina < Fugh.Justina@epa.gov>

Subject: Re: Your anticipated appointment to the United States Environmental Protection Agency

Thanks Kevin. How much time should I set aside?

Sent from Yahoo Mail on Android

On Sun, Jan 15, 2017 at 7:53 AM, Minoli, Kevin

< <u>Minoli.Kevin@epa.gov</u>> wrote:

Dear Layne- Thank you for your response. Justina will be available starting at 9:00AM tomorrow. I will arrive around 10:00AM, but Justina is the most important one between the two of us, so you are welcome to come to the office whenever is most convenient for you. I have included directions to our office below.

I look forward to meeting you tomorrow.

Kevin

The Office of General Counsel is located in the EPA Headquarters Complex, 1200 Pennsylvania Avenue, NW, in Washington, DC. We are in the William Jefferson Clinton North Building. The main visitor entrance to both the North and South Buildings are located directly above the Federal Triangle Metro Station, which is on 12th Streetmidway between Pennsylvania and Constitution Avenues. The government is closed Monday in observance of the Martin Luther King Day Holiday, so it is likely the you will need to enter via the South Building. Once at the building, please proceed into the building where you will be greeted by our security staff. As a guest, you will need to present a photo ID and proceed through the metal detectors. Please tell the guards that you are there to meet with myself or Justina, and they will let us know that you arrived. One of us will then come down and meet you at the main entrance and escort you up to our offices.

Kevin S. Minoli Principal Deputy General Counsel Office of General Counsel US Environmental Protection Agency Main Office Line: 202-564-8064

On Jan 14, 2017, at 9:39 PM, Layne Bangerter **Ex. 6 - Personal Privacy** wrote:

Kevin: I will come to your office sometime before noon on Monday.

Sent from Yahoo Mail on Android

On Sat, Jan 14, 2017 at 6:49 PM, Minoli, Kevin

<Minoli.Kevin@epa.gov> wrote:

Dear Mr. Bangerter-

Your name was included on a list of individuals identified by the President-Elect's Transition Team as one of the non-career officials expected to join the United States Environmental Protection Agency (EPA) on or about January 20, 2017. Let me be one of the first to say "Welcome to the EPA!"

I am the agency's Designated Agency Ethics Official and Principal Deputy General Counsel, and I have copied Justina Fugh, Senior Counsel for Ethics and the Director of the Office of General Counsel's Ethics Team, on this email. Justina, the Ethics Team, and I are all committed to working with you now, while you are at the EPA, and after you complete your service with the agency to ensure you understand the federal ethics requirements, how they apply to you at that point in time and based on your specific circumstances, and how you can comply with those requirements. For some of the federal ethics requirements, a violation of the requirement is a criminal violation, and we would be legally obligated to refer that violation to our Office of Inspector General. Regardless of the penalty, though, the federal ethics requirements were, in the words of President George Bush in Executive Order 12,674, designed to "ensure that every citizen can have complete confidence in the integrity of the Federal Government." Our goal as the leaders of the EPA's ethics program is to provide you with excellent customer service from this point forward to help achieve that vision.

We anticipate that on Friday, January 20, 2017, you will be appointed to a limited term position with the United States Environmental Protection Agency. As an employee, you will be subject to the Standards of Ethical Conduct for Employees of the Executive Branch, <u>5 CFR Part 2635</u>; the Hatch Act, <u>5 USC § 7321 et seq.</u>, and the conflict of interest statutes codified in Title 18 of the United States Code, including the financial conflicts at <u>18 USC § 208</u> and representational conflicts at <u>18 USC § 203</u> and <u>205</u>. In order to comply with these requirements, you will need to complete a public financial disclosure report in INTEGRITY, an online electronic reporting system, and to have an ethics briefing with our team as soon as possible. In addition, when you leave EPA, you will be subject to the post-employment provisions set forth at <u>18 USC § 207</u>.

We understand that folks are anxious to get started, and the agency has been asked to undertake all necessary actions to enable you to enter federal service on the afternoon of January 20, 2017. To explain the federal ethics requirements and your obligations to you, and to ensure that your participation in a matter or on an issue does not present any ethics conflicts or appearance of conflicts, the EPA Ethics Team is ready to meet with you beginning Monday January 16, 2017. We will be available each day that week during normal business hours and during the evening if helpful. If you are already in the Washington, DC, area, we would welcome you at our offices at 1200 Pennsylvania Avenue, NW, or at a location nearby if security and preparations for the inauguration make accessing our building difficult. If it is not possible to meet in person, we are available by Skype for Business, Adobe Connect, or the old-fashioned telephone.

Our goal is to meet with all of the individuals identified by the President-Elect's Transition Team prior to January 20, 2017, so that you may begin your federal service that day with the confidence that you are in compliance with all federal ethics requirements. Please let us know when would be best for you, and we will work to accommodate your schedule if at all possible. As always, please also feel free to ask any questions you may have.

Thank you, and we look forward to working with you soon.

Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8064

Direct Dial: 202-564-5551

To: Ex. 6 - Personal Privacy

Cc: Fugh, Justina[Fugh.Justina@epa.gov]

From: Minoli, Kevin

Sent: Sun 1/15/2017 1:49:53 AM

Subject: Your anticipated appointment to the United States Environmental Protection Agency

Dear Mr. Bangerter-

Your name was included on a list of individuals identified by the President-Elect's Transition Team as one of the non-career officials expected to join the United States Environmental Protection Agency (EPA) on or about January 20, 2017. Let me be one of the first to say "Welcome to the EPA!"

I am the agency's Designated Agency Ethics Official and Principal Deputy General Counsel, and I have copied Justina Fugh, Senior Counsel for Ethics and the Director of the Office of General Counsel's Ethics Team, on this email. Justina, the Ethics Team, and I are all committed to working with you now, while you are at the EPA, and after you complete your service with the agency to ensure you understand the federal ethics requirements, how they apply to you at that point in time and based on your specific circumstances, and how you can comply with those requirements. For some of the federal ethics requirements, a violation of the requirement is a criminal violation, and we would be legally obligated to refer that violation to our Office of Inspector General. Regardless of the penalty, though, the federal ethics requirements were, in the words of President George Bush in Executive Order 12,674, designed to "ensure that every citizen can have complete confidence in the integrity of the Federal Government." Our goal as the leaders of the EPA's ethics program is to provide you with excellent customer service from this point forward to help achieve that vision.

We anticipate that on Friday, January 20, 2017, you will be appointed to a limited term position with the United States Environmental Protection Agency. As an employee, you will be subject to the Standards of Ethical Conduct for Employees of the Executive Branch, 5 CFR Part 2635; the Hatch Act, 5 USC § 7321 et seq., and the conflict of interest statutes codified in Title 18 of the United States Code, including the financial conflicts at 18 USC § 208 and representational conflicts at 18 USC § 203 and 205. In order to comply with these requirements, you will need to complete a public financial disclosure report in INTEGRITY, an online electronic reporting system, and to have an ethics briefing with our team as soon as possible. In addition, when you leave EPA, you will be subject to the post-employment provisions set forth at 18 USC § 207.

We understand that folks are anxious to get started, and the agency has been asked to undertake all necessary actions to enable you to enter federal service on the afternoon

of January 20, 2017. To explain the federal ethics requirements and your obligations to you, and to ensure that your participation in a matter or on an issue does not present any ethics conflicts or appearance of conflicts, the EPA Ethics Team is ready to meet with you beginning Monday January 16, 2017. We will be available each day that week during normal business hours and during the evening if helpful. If you are already in the Washington, DC, area, we would welcome you at our offices at 1200 Pennsylvania Avenue, NW, or at a location nearby if security and preparations for the inauguration make accessing our building difficult. If it is not possible to meet in person, we are available by Skype for Business, Adobe Connect, or the old-fashioned telephone.

Our goal is to meet with all of the individuals identified by the President-Elect's Transition Team prior to January 20, 2017, so that you may begin your federal service that day with the confidence that you are in compliance with all federal ethics requirements. Please let us know when would be best for you, and we will work to accommodate your schedule if at all possible. As always, please also feel free to ask any questions you may have.

Thank you, and we look forward to working with you soon.

Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8064

Direct Dial: 202-564-5551

From: Fugh, Justina

Sent: Thur 5/11/2017 10:08:15 PM **Subject:** your financial disclosure report

Oh, golly, I did NOT mean to send that ote to you as is. My fingers hit <send> when my brain wasn't ready! Here is your special note:

Hi there,

You may recall that I had mentioned to you that, as a public filer, your financial disclosure report can be made available to the public upon request. Well, I'm writing to confirm that your report has been requested. OGC/Ethics typically waits to fill those requests until after we have received and certified the report, so I will be releasing your report tomorrow to the following requestors:

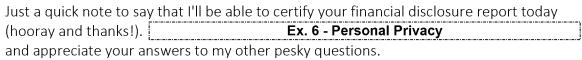
Joe Gaeta, Senator Sheldon Whitehouse Alison Gregor, ProPublica Alexander Guillen, Politico Nick Surgey, Center for Media and Democracy

Best, Justina

From: Fugh, Justina

Sent: Thur 5/11/2017 9:57:52 PM **Subject:** your financial disclosure report

Hi there,



I'm also letting you know that, later this week (probably Thursday or Friday), I'll be releasing your certified report to the people who have requested seeing it. You may recall that I explained that this report is public, so anyone can ask me to release it once I receive it. OGC/Ethics typically waits to fill those requests until after we have certified the report, though. Here are the people who will be getting your report:

Joe Gaeta, Senator Sheldon Whitehouse Alison Gregor, ProPublica Alexander Guillen, Politico Nick Surgey, Center for Media and Democracy

Best, Justina

Cc: Daniel Fort[Fort.Daniel@epa.gov]

From: Fugh, Justina

Sent: Fri 4/7/2017 6:59:06 PM

Subject: Assistance in completing the new entrant 278

Hi there,

You indicated that you would appreciate some personal help to navigate your new entrant report. On Monday, please call Dan Fort at 564 2200 to set up a time for him to make a house call to you.

Justina

To: Bangerter, Layne[bangerter.layne@epa.gov]; Ericksen,

Doug[ericksen.doug@epa.gov]; Sugiyama, George[sugiyama.george@epa.gov]

From: Fugh, Justina

Sent: Fri 4/7/2017 2:41:21 PM

Subject: Your financial disclosure report is due TODAY

Hi there,

You have been receiving weekly reminders from INTEGRITY about your requirement to file your new entrant public financial disclosure report. That report is due 30 days after you start federal employment, but you were each granted a 45-day extension. Your new due date is today, but you have not yet started your report.

If you need another extension, you must ask TODAY (before midnight) by sending me an email that explains why you need more time. If you are approved for an extension, then your new due date will be in May, but that will be the last one. If you are granted an extension by me (and, remember, I need a reason from you for why you need more time), but miss the new deadline, then you will be fined \$200.

Even if you plan to leave federal service soon, you can't escape this requirement. You still have to file the new entrant report AND you will have to file a termination report too. There are criminal and civil penalties for failure to file. Not to sound too ominous, but a former political appointee failed to file her termination report, so I had to refer the matter to the Justice Department after almost 2 years of waiting patiently. Not only did she have to file the report, but she also had to pay a civil penalty of \$15,000. Please don't let that be you!

Justina

To: Bangerter, Layne[bangerter.layne@epa.gov]
Cc: Benton, Donald[benton.donald@epa.gov]

From: Fugh, Justina

Sent: Tue 3/7/2017 4:04:44 PM

Subject: REMINDER: You need to sign the Trump ethics pledge

P45 Executive Order.pdf
P45 Ethics Pledge blank.pdf

Hi there,

On January 28, 2017, President Donald J. Trump issued an Executive Order on Ethics Commitments for all political appointees in his administration that contains additional restrictions during and after your federal service. You are required to sign this pledge, which I have attached together with the executive order itself. Please print out the pledge and then sign and date it, then return to me, either in hard copy or by pdf. The significant points of the Executive Order are as follows:

If you were a federally registered lobbyist in the previous 2 years --

• For the next 2 years, you will not participate in any particular matter on which you lobbied within the previous 2 years and you will not participate in the specific issue area in which that particular matter falls.

While you are a federal employee --

- You will not accept any gifts from a registered lobbyist, including attendance at a widely attended gathering. There are a few exceptions, so ask an ethics official for guidance.
- For 2 years from the date of your appointment, you will not participate in any particular matter involving specific parties that is directly and substantially related to your former employer or former client(s), including regulations and contracts; and
- Any hiring or other employment decisions you make will be based on the candidate's qualifications, competence and experience.

After you leave federal service –

- For 5 years, you will not engage in any lobbying activities with respect to the agency in which you were appointed to serve;
- For the remainder of the Administration, you will not engage in lobbying activities with respect to any covered executive branch official or non-career SES employee; and
- For the rest of your life, you will not engage in any activity on behalf of a foreign

government or foreign political party as their "agent" requiring registration under the Foreign Agents Registration Act of 1938 and defined at 22 U.S.C. § 611(c) (as those terms were defined as of 1/20/17).

Finally, you agree that the terms of the ethics pledge are binding upon you.

Thanks in advance for your attention to this important matter.

Justina

То:	Ex. 6 - Personal Privacy	
From:	Fugh, Justina	
O	T - 4/47/0047 40 00 00 DM	

Sent: Tue 1/17/2017 10:20:09 PM

Subject: confirmation of our meeting on 1/16/17

Hi there,

It was a sincere pleasure to meet you and set your extraordinarily beautiful family. You are both justifiably proud of them all. Here is a quick summary of our discussion:

- We met to talk about your ethics responsibilities as an incoming political
 appointee. You don't yet know what position you will have or what your salary
 will be, but I did as promised and alerted Karen Higginbotham to your interest in
 the salary point and parking. Our meeting met the requirements of 5 CFR
 2638.304, initial ethics training, as set forth in the recently effective OGE rules.
- You are not yet clear whether you will resign from your Senate position, but I did explain that, pursuant to 18 USC 209, it is possible for you to be paid by the Senate and also by EPA. Because the source of funding for both paychecks will be the United States Treasury, there is no legal prohibition to payment, but I am just not sure about any Senate policy rules. You thought that they may well ask you to Ex. 6 Personal Privacy
- You own a working farm that raises alfalfa and Ex. 6 Personal Privacy

 Ex. 6 Personal Privacy

 To the extent that you need help completing your financial disclosure report in INTEGRITY, we at EPA Ethics are happy to help. You will have 30 days from 1/20/17 to complete your INTEGRITY filing (due 2/21/17).
- Based on our conversation, I indicated that you could not work on any particular matter that would have a direct and predictable financial effect upon your farm, which would possibly include the county in which it is located and the watershed, as well as possibly agricultural issues. But other than that, I didn't anticipate obvious ethics concerns.

I look forward to working with you in the future. Cheers, Justina

Ex. 6 - Personal Privacy To: Minoli, Kevin[Minoli.Kevin@epa.gov] Cc: From: Fugh, Justina Sent: Mon 1/16/2017 3:59:31 PM RE: Your anticipated appointment to the United States Environmental Protection Agency Subject: My number is 564 1786 and my room number is 4308 North. You will need to tell the security guard to call me, please, so that I can come escort you into the building. Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772 From: Layne Bangerter [mailto Ex. 6 - Personal Privacy Sent: Monday, January 16, 2017 10:36 AM To: Fugh, Justina < Fugh. Justina@epa.gov> Subject: RE: Your anticipated appointment to the United States Environmental Protection Agency Okay I will be there in about 1 hour. Sent from Yahoo Mail on Android

I may have missed a response by Kevin but you should expect to spend at least one hour

On Mon, Jan 16, 2017 at 9:05 AM, Fugh, Justina

< Fugh. Justina@epa.gov > wrote:

Hi there,

with us.

Cheers,

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Layne Bangerter [mailto] Ex. 6 - Personal Privacy

Sent: Sunday, January 15, 2017 10:32 AM

To: Minoli, Kevin < Minoli. Kevin@epa.gov >
Cc: Fugh, Justina < Fugh. Justina@epa.gov >

Subject: Re: Your anticipated appointment to the United States Environmental Protection Agency

Thanks Kevin. How much time should I set aside?

Sent from Yahoo Mail on Android

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Dear Layne- Thank you for your response. Justina will be available starting at 9:00AM tomorrow. I will arrive around 10:00AM, but Justina is the most important one between the two of us, so you are welcome to come to the office whenever is most convenient for you. I have included directions to our office below.

I look forward to meeting you tomorrow.

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Kevin S. Minoli Principal Deputy General Counsel Office of General Counsel US Environmental Protection Agency Main Office Line: 202-564-8064

On Jan 14, 2017, at 9:39 PM, Layne Bangerter **Ex. 6 - Personal Privacy** wrote:

Kevin: I will come to your office sometime before noon on Monday.

Sent from Yahoo Mail on Android

On Sat, Jan 14, 2017 at 6:49 PM, Minoli, Kevin

< <u>Minoli.Kevin@epa.gov</u>> wrote:

Dear Mr. Bangerter-

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I am the agency's Designated Agency Ethics Official and Principal Deputy General Counsel, and I have copied Justina Fugh, Senior Counsel for Ethics and the Director of the Office of General Counsel's Ethics Team, on this email. Justina, the Ethics Team, and I are all committed to working with you now, while you are at the EPA, and after you complete your service with the agency to ensure you understand the federal ethics requirements, how they apply to you at that point in time and based on your specific circumstances, and how you can comply with those requirements. For some of the federal ethics requirements, a violation of the requirement is a criminal violation, and we would be legally obligated to refer that violation to our Office of Inspector General. Regardless of the penalty, though, the federal ethics requirements were, in the words of President George Bush in Executive Order 12,674, designed to "ensure that every citizen can have complete confidence in the integrity of the Federal Government." Our goal as the leaders of the EPA's ethics program is to provide you with excellent customer service from this point forward to help achieve that vision.

We anticipate that on Friday, January 20, 2017, you will be appointed to a limited term position with the United States Environmental Protection Agency. As an employee, you will be subject to the Standards of Ethical Conduct for Employees of the Executive Branch, <u>5 CFR Part 2635</u>; the Hatch Act, <u>5 USC § 7321 et seq.</u>, and the conflict of interest statutes codified in Title 18 of the United States Code, including the financial conflicts at <u>18 USC § 208</u> and representational conflicts at <u>18 USC § 203</u> and <u>205</u>. In order to comply with these requirements, you will need to complete a public financial disclosure report in INTEGRITY, an online electronic reporting system, and to have an ethics briefing with our team as soon as possible. In addition, when you leave EPA, you will be subject to the post-employment provisions set forth at <u>18 USC § 207</u>.

We understand that folks are anxious to get started, and the agency has been asked to undertake all necessary actions to enable you to enter federal service on the afternoon of January 20, 2017. To explain the federal ethics requirements and your obligations to you, and to ensure that your participation in a matter or on an issue does not present any ethics conflicts or appearance of conflicts, the EPA Ethics Team is ready to meet with you beginning Monday January 16, 2017. We will be available each day that week during normal business hours and during the evening if helpful. If you are already in the Washington, DC, area, we would welcome you at our offices at 1200 Pennsylvania Avenue, NW, or at a location nearby if security and preparations for the inauguration make accessing our building difficult. If it is not possible to meet in person, we are available by Skype for Business, Adobe Connect, or the old-fashioned telephone.

Our goal is to meet with all of the individuals identified by the President-Elect's Transition Team prior to January 20, 2017, so that you may begin your federal service that day with the confidence that you are in compliance with all federal ethics requirements. Please let us know when would be best for you, and we will work to accommodate your schedule if at all possible. As always, please also feel free to ask any questions you may have.

Thank you, and we look forward to working with you soon.

Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8064

Direct Dial: 202-564-5551

To:	Ex. 6 - Personal Privacy	Minoli,
Kevin[Mir From: Sent: Subject:	noli.Kevin@epa.gov] Fugh, Justina Mon 1/16/2017 2:05:25 PM RE: Your anticipated appointment to the United States Env	rironmental Protection Agency
Hi there	,	
I may ha hour wit	ave missed a response by Kevin but you should ex th us.	spect to spend at least one
Cheers,		
Justina		
North, Will	igh Senior Counsel for Ethics Office of General Counsel US EP/ liam Jefferson Clinton Federal Building Washington, DC 20460 (fo phone 202-564-1786 fax 202-564-1772	
Sent: Su To: Mind Cc: Fugl	ayne Bangerter [mailto Ex. 6 - Personal Privacy unday, January 15, 2017 10:32 AM oli, Kevin <minoli.kevin@epa.gov> h, Justina <fugh.justina@epa.gov> : Re: Your anticipated appointment to the United States</fugh.justina@epa.gov></minoli.kevin@epa.gov>	s Environmental Protection
Thanks l	Kevin. How much time should I set aside?	
Sent from	m Yahoo Mail on Android	

Layne Bangerter Ethics Emails

On Sun, Jan 15, 2017 at 7:53 AM, Minoli, Kevin

< <u>Minoli.Kevin@epa.gov</u>> wrote:

ED_001267_00022955-00001

Dear Layne- Thank you for your response. Justina will be available starting at 9:00AM tomorrow. I will arrive around 10:00AM, but Justina is the most important one between the two of us, so you are welcome to come to the office whenever is most convenient for you. I have included directions to our office below.

I look forward to meeting you tomorrow.

Kevin

The Office of General Counsel is located in the EPA Headquarters Complex, 1200 Pennsylvania Avenue, NW, in Washington, DC. We are in the William Jefferson Clinton North Building. The main visitor entrance to both the North and South Buildings are located directly above the Federal Triangle Metro Station, which is on 12th Streetmidway between Pennsylvania and Constitution Avenues. The government is closed Monday in observance of the Martin Luther King Day Holiday, so it is likely the you will need to enter via the South Building. Once at the building, please proceed into the building where you will be greeted by our security staff. As a guest, you will need to present a photo ID and proceed through the metal detectors. Please tell the guards that you are there to meet with myself or Justina, and they will let us know that you arrived. One of us will then come down and meet you at the main entrance and escort you up to our offices.

Kevin S. Minoli Principal Deputy General Counsel Office of General Counsel US Environmental Protection Agency Main Office Line: 202-564-8064

On Jan 14, 2017, at 9:39 PM, Layne Bangerter **Ex. 6 - Personal Privacy** wrote:

Kevin: I will come to your office sometime before noon on Monday.

Sent from Yahoo Mail on Android

On Sat, Jan 14, 2017 at 6:49 PM, Minoli, Kevin

< <u>Minoli.Kevin@epa.gov</u>> wrote:

Dear Mr. Bangerter-

Your name was included on a list of individuals identified by the President-Elect's Transition Team as one of the non-career officials expected to join the United States Environmental Protection Agency (EPA) on or about January 20, 2017. Let me be one of the first to say "Welcome to the EPA!"

I am the agency's Designated Agency Ethics Official and Principal Deputy General Counsel, and I have copied Justina Fugh, Senior Counsel for Ethics and the Director of the Office of General Counsel's Ethics Team. on this email. Justina, the Ethics Team, and I are all committed to working with you now, while you are at the EPA, and after you complete your service with the agency to ensure you understand the federal ethics requirements, how they apply to you at that point in time and based on your specific circumstances, and how you can comply with those requirements. For some of the federal ethics requirements, a violation of the requirement is a criminal violation, and we would be legally obligated to refer that violation to our Office of Inspector General. Regardless of the penalty, though, the federal ethics requirements were, in the words of President George Bush in Executive Order 12,674, designed to "ensure that every citizen can have complete confidence in the integrity of the Federal Government." Our goal as the leaders of the EPA's ethics program is to provide you with excellent customer service from this point forward to help achieve that vision.

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We understand that folks are anxious to get started, and the agency has been asked to undertake all necessary actions to enable you to enter federal service on the afternoon of January 20, 2017. To explain the federal ethics requirements and your obligations to you, and to ensure that

your participation in a matter or on an issue does not present any ethics conflicts or appearance of conflicts, the EPA Ethics Team is ready to meet with you beginning Monday January 16, 2017. We will be available each day that week during normal business hours and during the evening if helpful. If you are already in the Washington, DC, area, we would welcome you at our offices at 1200 Pennsylvania Avenue, NW, or at a location nearby if security and preparations for the inauguration make accessing our building difficult. If it is not possible to meet in person, we are available by Skype for Business, Adobe Connect, or the old-fashioned telephone.

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Thank you, and we look forward to working with you soon.

Kevin

Kevin S. Minoli

Principal Deputy General Counsel

Office of General Counsel

US Environmental Protection Agency

Office Line: 202-564-8064

Direct Dial: 202-564-5551

To: Fugh, Justina[Fugh.Justina@epa.gov]

From: Bangerter, Layne

Sent: Mon 6/19/2017 6:04:46 PM

Subject: FW: Trail Ride

2017 Governor TR 3 day Itinerary.docx

I would like to attend this and have been asked by Governor Otter to attend, looking for your blessing!

Hope you are doing great,

Layne Bangerter

From: John Chatburn [mailto:John.Chatburn@oer.idaho.gov]

Sent: Monday, June 19, 2017 1:56 PM

To: Bangerter, Layne
 bangerter.layne@epa.gov>

Subject: Trail Ride

John Chatburn

Administrator

Idaho Governor's Office of Energy and Mineral Resources

304 N. 8th Street, Ste. 250, Boise, Idaho

(208) 332-1660

john.chatburn@oer.idaho.gov

2017 Governor's Trail Ride Itinerary

Tuesday (7/18)

5:00pm Governor and Guests Begin Arriving

7:00pm Dinner

Wednesday (7/19)

7:00am Breakfast

9:00am Trail Ride Begins (state and federal land management, permittee/agency

collaboration, monitoring, endangered species, wildlife, etc.)

Noon Lunch on the trail

1:00pm Continue Trail ride

3:00pm Riders arrive back at Camp

3:30pm Natural Resource Issue Discussion at Camp/Kilgore Area

The discussion will be centered on a question and answer format to facilitate meaningful dialogue between state and federal natural resource managers, elected officials, and ranchers on the following topics:

Management Flexibility & Outcome-Based Grazing - USFS, BLM, DOI

Responsible stewardship relies on management flexibility and localized, site-specific management of the land and resources.

- What changes, both statutory and regulatory, need to be made to enable greater management flexibility? Rather than prescribing management actions, how can we achieve the flexibility to manage for outcomes that meet standards?
- How can the grazing permit renewal process be streamlined and how can it be improved to allow for flexibility in managing preference/permit numbers and seasons of use?
- The Good Neighbor Authority program, which has been utilized by the Forest Service on timber projects, may be a good tool to begin opening up cooperative, innovative projects for more flexible management on both Forest Service and BLM rangelands. Do you see this program as a tool for grazing management? How can it be achieved?

Wildfires/RFPAs - USFS, BLM, IDL, DOI

Livestock grazing can be a tool to reduce the threat of wildfires by reducing fine fuel loads.

- Recently, Idaho BLM developed a pilot project which specifically enabled targeted livestock grazing on a small scale. Is it possible to expand the use of this tool as a fuels management treatment?
- With the prevalence of catastrophic wildfire increasing, why are cuts in livestock utilization common, but increases are non-existent regardless of forage availability? How can we achieve the flexibility needed in grazing permits to enable the utilization of forage within a specific year?
- Idaho's RFPAs can be a pattern for not only wildfire fighting efforts across the arid west, but also for creating solutions to other land management issues. How can we use this model to solve resource issues and concerns across the west?

<u>T&E Species/Wildlife Issues</u> – BLM, USFS, DOI, USFW, IDFG, IDL, OSC, APHIS Wildlife Services

- Grizzly Bear What is the status of the delisting effort? Are there any changes in Grizzly management contemplated?
- Sage Grouse What is the status of Idaho's lawsuit? Are BLM and USFS planning any management changes that permittees should be aware of?
- Wolves What is the status of Idaho's wolf population? How has the Wolf Depredation Board been helping with issues?
- Ungulate Depredation How will funds from the F&G fee increase be used to prevent depredation issues?

State Land Management - IDL

• What is the status of the IDL grazing fee review?

7:00pm Dinner

9:00pm Campfire Discussion – Continue Issue Discussions

Thursday (7/20)

7:00am Breakfast

9:00am Head Home

Directions to Camp in the Kilgore Area

This link provides the directions from Idaho Falls to Camp in the Kilgore area: <a href="https://www.google.com/maps/dir/Idaho+Falls,+ID/44.4630488,-111.7296016/@.44.1656892,-112.1053548,154385m/data=!3m1!1e3!4m9!4m8!1m5!1m1!1s0x5354594e739512b5:0x2311c9fc094c49c9!2m2!1d-112.0339645!2d43.4916514!1m0!5i2

Look for the ICA signs.

From Dubois follow W Main St to Clark County A2. Look for the ICA signs and follow them to camp in the Kilgore Area.

From Hwy 20 turn on the Kilgore-Yale Rd and follow the ICA signs to Camp.

Things to Remember

Camp in the Kilgore Area is at least a 1hour and 40 minute drive from Idaho Falls without construction delays.

While the days may be warm, the evenings will be cool to cold, so **bring a jacket**. Bring a **camp chair** and a sleeping bag, tent or cot if you like. There may be thunderstorms, so you probably better **bring a raincoat**. There will be **mosquitoes**, so **bug spray is advisable**.

Sleeping Accommodations

For those who do not wish to camp out, this link is to numerous accommodations in Island Park: http://www.bing.com/search?q=motels+in+island+park+idaho&src=IE-SearchBox&FORM=IESR02

Kilgore Mountain B&B Phone: 208-270-1039

www.kilgoremountainbnb.com

Lakeside Lodge Phone: 208-558-9770

www.lakesidelodgeandresort.com

Dubois:

Beaver Creek Inn 208-374-5820

www.thebeavercreekinn.com

Kilgore:

Kilgore Store/Cabins Phone: 208-778-5334

There are also numerous hotels and motels in Idaho Falls, Ashton, and St. Anthony.

To: Fugh, Justina[Fugh.Justina@epa.gov]

From: Bangerter, Layne

Sent: Mon 6/26/2017 6:23:21 PM

Subject: Re: Trail Ride

Awesome! Yeah it's a whole different experience. A whole different part of the country and a way of living. Thank you very much Justina...

Sent from my iPhone

On Jun 26, 2017, at 2:07 PM, Fugh, Justina < Fugh. Justina@epa.gov > wrote:

Hi Layne,

Oops, I thought I had written back to you last week on this, but I didn't. Sorry! So I gather that EPA will pay for your flight and mileage, and then you will be using your own equipment, horse, camping gear, etc. That's okay with me for ethics purposes, so there is nothing else for me to consider. You're supplying your own equipment to participate in this work-related activity. As a person who thinks that camping means going out without my credit cards, I hope you will find joy in the experience!

Cheers, Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Bangerter, Layne

Sent: Tuesday, June 20, 2017 12:36 PM **To:** Fugh, Justina < Fugh. Justina @epa.gov>

Subject: RE: Trail Ride

I take my own horse, truck, trailer and equipment... and only need flight and mileage reimbursement. There is no lodging, it is an encampment with tents, etc...

From: Fugh, Justina

Sent: Tuesday, June 20, 2017 12:31 PM

To: Bangerter, Layne < bangerter.layne@epa.gov >

Subject: RE: Trail Ride

Hi Layne,

So the short answer is, yes, provided your supervisors agree that this is official duty, you can participate. The longer answer is that we need to figure out who is paying for what. Who will pay for meals, horse rental, lodging? Is that something EPA will pay for, or is Idaho paying?

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Bangerter, Layne

Sent: Monday, June 19, 2017 2:05 PM **To:** Fugh, Justina <<u>Fugh.Justina@epa.gov</u>>

Subject: FW: Trail Ride

I would like to attend this and have been asked by Governor Otter to attend, looking for your blessing!

Hope you are doing great,

Layne Bangerter

From: John Chatburn [mailto:John.Chatburn@oer.idaho.gov]

Sent: Monday, June 19, 2017 1:56 PM

To: Bangerter, Layne < bangerter.layne@epa.gov >

Subject: Trail Ride

John Chatburn

Administrator

Idaho Governor's Office of Energy and Mineral Resources

304 N. 8th Street, Ste. 250, Boise, Idaho

(208) 332-1660

john.chatburn@oer.idaho.gov

To: Fugh, Justina[Fugh.Justina@epa.gov]

From: Bangerter, Layne

Sent: Fri 5/26/2017 8:52:09 PM

Subject: Re: Speech

Idaho Association of Commerce and Industry. It would be unofficial capacity, no media, etc... would not use my current government title.

Sent from my iPhone

On May 26, 2017, at 12:44 PM, Fugh, Justina < Fugh. Justina@epa.gov > wrote:

Hi there,

I need to know more about the event itself in order to provide you with advice. What is the organization that has asked you to speak, and is it clear that you would be speaking in your personal (as opposed to official) capacity?

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

----Original Message-----From: Bangerter, Layne

Sent: Thursday, May 25, 2017 5:38 PM To: Fugh, Justina < Fugh. Justina@epa.gov >

Subject: Speech

What are the rules if an Idaho industry group wants me to speak at a function they want to
pay my way out for my flight only can I do it? I know that I cannot have my title printed on
a program and things like that please give me your advice and counsel.

Sent from my iPhone

From: Fugh, Justina

Sent: Tue 5/30/2017 5:22:19 PM

Subject: RE: Speech paper ET blank form.pdf

Hi Layne,

Well, it seems to me that this particular speech could be undertaken in your personal capacity or possibly in your official capacity. It's not yet clear to me what the organization wants or what EPA wants. There are no ethics issues I foresee in speaking to this particular group (e.g., you do not have a financial conflict of interest with it, nor any Trump ethics pledge concern). Provided that your management agrees, you could be given permission to speak in your official capacity. If not, then you could speak in your personal capacity. Depending on what path you take, here is the ethics advice:

ACTIVITY	OFFICIAL CAPACITY	PERSONAL CAPACITY
Type of time	On official time in official	Must be on annual leave or other non-
	capacity	work time
Reference to EPA	Can use EPA title and position.	May not use EPA title or position
	Can use EPA materials.	solely. If refer to EPA, must be as
		one of at least three biographical
		details with EPA not having any
		undue prominence. OGC/ethics
		prefers that you not refer to EPA at
		all.
Speaking on behalf of	Yes	No
EPA		
Acceptance of travel	Must ask OGC/Ethics to accept	Yes, but in your personal capacity
expenses	in advance. Fill out the	only. You will have to report the gift
	electronic form (and have a	on your financial disclosure report.
	Lotus Notes account) or fill out	
	the attached pdf and return to	
	Justina in advance of the trip.	
Non public information	Cannot release or use	Cannot release or use
Correspondence with	Use EPA email address	Do not use EPA email address
group		

Please let me know whether you will be doing this in your official or personal capacity, okay? Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Bangerter, Layne

Sent: Friday, May 26, 2017 4:52 PM

To: Fugh, Justina < Fugh. Justina@epa.gov>

Subject: Re: Speech

Idaho Association of Commerce and Industry. It would be unofficial capacity, no media, etc... would not use my current government title.

Sent from my iPhone

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Justina

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Sent from my iPhone

Emgarea_



ETHICS PLEDGE

As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

- 1. I will not, within 5 years after the termination of my employment as an appointee in any executive agency in which I am appointed to serve, engage in lobbying activities with respect to that agency.
- 2. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18. United States Code, I agree that I will abide by those restrictions.
- 3. In addition to abiding by the limitations of paragraphs 1 and 2, 1 also agree, upon leaving Government service, not to engage in lobbying activities with respect to any covered executive branch official or non-career Senior Executive Service appointee for the remainder of the Administration.
- 4. I will not, at any time after the termination of my employment in the United States Government, engage in any activity on behalf of any foreign government or foreign political party which, were it undertaken on January 20, 2017, would require me to register under the Foreign Agents Registration Act of 1938, as amended.
- 5. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
- 6. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
- 7. If I was a registered lobbyist within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 6, I will not for a period of 2 years after the date of my appointment participate in any particular matter on which I lobbied within the 2 years before the date of my appointment or participate in the specific issue area in which that particular matter falls.
- 8. Lagree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
- 9. Lacknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Appointees," issued by the President on January 28, 2017, which I have read before signing this document, defines certain terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the obligations of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Government service.

Signature Print or type your full name (last, first, middle)

May 2 .2017

Date

May 2 .2017

Layne Bangerter OA



Certified by: Justina Fugh Certificate Dated: 01/16/2017 Certificate ID Number: JFUH-AJ6TC6 Full Organization: OA

According to the EPA Domino Directory. Contact your local Help Desk if this organizational information is not correct.



ETHICS PLEDGE

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- 8. I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
- 9. I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Appointees," issued by the President on January 28, 2017, which I have read before signing this document, defines certain terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the obligations of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Government service.

		, 20
Signature	Date	
Print or type your full name (last, first, middle)		

The White House Office of the Press Secretary For Immediate Release January 28, 2017

Executive Order: ETHICS COMMITMENTS BY EXECUTIVE BRANCH APPOINTEES

EXECUTIVE ORDER

ETHICS COMMITMENTS BY EXECUTIVE BRANCH APPOINTEES

By the authority vested in me as President of the United States by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, and sections 3301 and 7301 of title 5, United States Code, it is hereby ordered as follows:

Section 1. Ethics Pledge. Every appointee in every executive agency appointed on or after January 20, 2017, shall sign, and upon signing shall be contractually committed to, the following pledge upon becoming an appointee:

"As a condition, and in consideration, of my employment in the United States Government in an appointee position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

- "1. I will not, within 5 years after the termination of my employment as an appointee in any executive agency in which I am appointed to serve, engage in lobbying activities with respect to that agency.
- "2. If, upon my departure from the Government, I am covered by the post-employment restrictions on communicating with employees of my former executive agency set forth in section 207(c) of title 18, United States Code, I agree that I will abide by those restrictions.
- "3. In addition to abiding by the limitations of paragraphs 1 and 2, I also agree, upon leaving Government service, not to engage in lobbying activities with respect to any covered executive branch official or non-career Senior Executive Service appointee for the remainder of the Administration.
- "4. I will not, at any time after the termination of my employment in the United States Government, engage in any activity on behalf of any foreign government or foreign political

party which, were it undertaken on January 20, 2017, would require me to register under the Foreign Agents Registration Act of 1938, as amended.

- "5. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.
- "6. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.
- "7. If I was a registered lobbyist within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 6, I will not for a period of 2 years after the date of my appointment participate in any particular matter on which I lobbied within the 2 years before the date of my appointment or participate in the specific issue area in which that particular matter falls.
- "8. I agree that any hiring or other employment decisions I make will be based on the candidate's qualifications, competence, and experience.
- "9. I acknowledge that the Executive Order entitled 'Ethics Commitments by Executive Branch Appointees,' issued by the President on January 28, 2017, which I have read before signing this document, defines certain terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the obligations of this pledge are in addition to any statutory or other legal restrictions applicable to me by virtue of Government service."
 - Sec. 2. Definitions. As used herein and in the pledge set forth in section 1 of this order:
- (a) "Administration" means all terms of office of the incumbent President serving at the time of the appointment of an appointee covered by this order.
- (b) "Appointee" means every full-time, non-career Presidential or Vice-Presidential appointee, non-career appointee in the Senior Executive Service (or other SES-type system), and appointee to a position that has been excepted from the competitive service by reason of being of a confidential or policymaking character (Schedule C and other positions excepted under comparable criteria) in an executive agency. It does not include any person appointed as a member of the Senior Foreign Service or solely as a uniformed service commissioned officer.
- (c) "Covered executive branch official" shall have the definition set forth in the Lobbying Disclosure Act.
- (d) "Directly and substantially related to my former employer or former clients" shall mean matters in which the appointee's former employer or a former client is a party or represents a party.

- (e) "Executive agency" and "agency" mean "executive agency" as defined in section 105 of title 5, United States Code, except that the terms shall include the Executive Office of the President, the United States Postal Service, and the Postal Regulatory Commission, and excludes the Government Accountability Office. As used in paragraph 1 of the pledge, "executive agency" means the entire agency in which the appointee is appointed to serve, except that:
- (1) with respect to those appointees to whom such designations are applicable under section 207(h) of title 18, United States Code, the term means an agency or bureau designated by the Director of the Office of Government Ethics under section 207(h) as a separate department or agency at the time the appointee ceased to serve in that department or agency; and
- (2) an appointee who is detailed from one executive agency to another for more than 60 days in any calendar year shall be deemed to be an officer or employee of both agencies during the period such person is detailed.
- (f) "Foreign Agents Registration Act of 1938, as amended" means sections 611 through 621 of title 22. United States Code.
- (g) "Foreign government" means the "government of a foreign country," as defined in section 1(e) of the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. 611(e).
- (h) "Foreign political party" has the same meaning as that term has in section 1(f) of the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. 611(f).
- (i) "Former client" is any person for whom the appointee served personally as agent, attorney, or consultant within the 2 years prior to the date of his or her appointment, but excluding instances where the service provided was limited to a speech or similar appearance. It does not include clients of the appointee's former employer to whom the appointee did not personally provide services.
- (j) "Former employer" is any person for whom the appointee has within the 2 years prior to the date of his or her appointment served as an employee, officer, director, trustee, or general partner, except that "former employer" does not include any executive agency or other entity of the Federal Government, State or local government, the District of Columbia, Native American tribe, or any United States territory or possession.
 - (k) "Gift"
- (1) shall have the definition set forth in section 2635.203(b) of title 5, Code of Federal Regulations;
- (2) shall include gifts that are solicited or accepted indirectly as defined at section 2635.203(f) of title 5, Code of Federal Regulations; and
- (3) shall exclude those items excluded by sections 2635.204(b), (c), (e)(1) & (3), (j), (k), and (l) of title 5, Code of Federal Regulations.

- (l) "Government official" means any employee of the executive branch.
- (m) "Lobbied" shall mean to have acted as a registered lobbyist.
- (n) "Lobbying activities" has the same meaning as that term has in the Lobbying Disclosure Act, except that the term does not include communicating or appearing with regard to: a judicial proceeding; a criminal or civil law enforcement inquiry, investigation, or proceeding; or any agency process for rulemaking, adjudication, or licensing, as defined in and governed by the Administrative Procedure Act, as amended, 5 U.S.C. 551 *et seq*.
 - (o) "Lobbying Disclosure Act" means sections 1601 et seq. of title 2, United States Code.
 - (p) "Lobbyist" shall have the definition set forth in the Lobbying Disclosure Act.
- (q) "On behalf of another" means on behalf of a person or entity other than the individual signing the pledge or his or her spouse, child, or parent.
- (r) "Particular matter" shall have the same meaning as set forth in section 207 of title 28, United States Code, and section 2635.402(b)(3) of title 5, Code of Federal Regulations.
- (s) "Particular matter involving specific parties" shall have the same meaning as set forth in section 2641.201(h) of title 5, Code of Federal Regulations, except that it shall also include any meeting or other communication relating to the performance of one's official duties with a former employer or former client, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties.
 - (t) "Participate" means to participate personally and substantially.
 - (u) "Pledge" means the ethics pledge set forth in section 1 of this order.
- (v) "Post-employment restrictions" shall include the provisions and exceptions in section 207(c) of title 18, United States Code, and the implementing regulations.
- (w) "Registered lobbyist or lobbying organization" shall mean a lobbyist or an organization filing a registration pursuant to section 1603(a) of title 2, United States Code, and in the case of an organization filing such a registration, "registered lobbyist" shall include each of the lobbyists identified therein.
- (x) Terms that are used herein and in the pledge, and also used in section 207 of title 18, United States Code, shall be given the same meaning as they have in section 207 and any implementing regulations issued or to be issued by the Office of Government Ethics, except to the extent those terms are otherwise defined in this order.
- (y) All references to provisions of law and regulations shall refer to such provisions as in effect on January 20, 2017.

- Sec. 3. Waiver. (a) The President or his designee may grant to any person a waiver of any restrictions contained in the pledge signed by such person.
- (b) A waiver shall take effect when the certification is signed by the President or his designee.
- (c) A copy of the waiver certification shall be furnished to the person covered by the waiver and provided to the head of the agency in which that person is or was appointed to serve.
- Sec. 4. Administration. (a) The head of every executive agency shall establish for that agency such rules or procedures (conforming as nearly as practicable to the agency's general ethics rules and procedures, including those relating to designated agency ethics officers) as are necessary or appropriate:
- (1) to ensure that every appointee in the agency signs the pledge upon assuming the appointed office or otherwise becoming an appointee; and
- (2) to ensure compliance with this order within the agency.
- (b) With respect to the Executive Office of the President, the duties set forth in section 4(a) shall be the responsibility of the Counsel to the President or such other official or officials to whom the President delegates those duties.
 - (c) The Director of the Office of Government Ethics shall:
- (1) ensure that the pledge and a copy of this Executive Order are made available for use by agencies in fulfilling their duties under section 4(a);
- (2) in consultation with the Attorney General or Counsel to the President, when appropriate, assist designated agency ethics officers in providing advice to current or former appointees regarding the application of the pledge; and
- (3) adopt such rules or procedures (conforming as nearly as practicable to its generally applicable rules and procedures) as are necessary or appropriate:
- (i) to carry out the foregoing responsibilities;
- (ii) to apply the lobbyist gift ban set forth in paragraph 5 of the pledge to all executive branch employees;
- (iii) to authorize limited exceptions to the lobbyist gift ban for circumstances that do not implicate the purposes of the ban;
- (iv) to make clear that no person shall have violated the lobbyist gift ban if the person properly disposes of a gift as provided by section 2635.206 of title 5, Code of Federal Regulations;

- (v) to ensure that existing rules and procedures for Government employees engaged in negotiations for future employment with private businesses that are affected by their official actions do not affect the integrity of the Government's programs and operations; and
- (vi) to ensure, in consultation with the Director of the Office of Personnel Management, that the requirement set forth in paragraph 8 of the pledge is honored by every employee of the executive branch:
- (d) An appointee who has signed the pledge is not required to sign the pledge again upon appointment or detail to a different office, except that a person who has ceased to be an appointee, due to termination of employment in the executive branch or otherwise, shall sign the pledge prior to thereafter assuming office as an appointee.
- (e) All pledges signed by appointees, and all waiver certifications with respect thereto, shall be filed with the head of the appointee's agency for permanent retention in the appointee's official personnel folder or equivalent folder.
- Sec. 5. Enforcement. (a) The contractual, fiduciary, and ethical commitments in the pledge provided for herein are solely enforceable by the United States by any legally available means, including any or all of the following: debarment proceedings within any affected executive agency or civil judicial proceedings for declaratory, injunctive, or monetary relief.
- (b) Any former appointee who is determined, after notice and hearing, by the duly designated authority within any agency, to have violated his or her pledge may be barred from engaging in lobbying activities with respect to that agency for up to 5 years in addition to the 5-year time period covered by the pledge. The head of every executive agency shall, in consultation with the Director of the Office of Government Ethics, establish procedures to implement this subsection, which shall include (but not be limited to) providing for factfinding and investigation of possible violations of this order and for referrals to the Attorney General for his or her consideration pursuant to subsection (c).
 - (c) The Attorney General or his or her designee is authorized:
- (1) upon receiving information regarding the possible breach of any commitment in a signed pledge, to request any appropriate Federal investigative authority to conduct such investigations as may be appropriate; and
- (2) upon determining that there is a reasonable basis to believe that a breach of a commitment has occurred or will occur or continue, if not enjoined, to commence a civil action on behalf of the United States against the former officer or employee in any United States District Court with jurisdiction to consider the matter.
- (d) In such civil action, the Attorney General or his or her designee is authorized to request any and all relief authorized by law, including but not limited to:

- (1) such temporary restraining orders and preliminary and permanent injunctions as may be appropriate to restrain future, recurring, or continuing conduct by the former officer or employee in breach of the commitments in the pledge he or she signed; and
- (2) establishment of a constructive trust for the benefit of the United States, requiring an accounting and payment to the United States Treasury of all money and other things of value received by, or payable to, the former officer or employee arising out of any breach or attempted breach of the pledge signed by the former officer or employee.
- Sec. 6. General Provisions. (a) This order supersedes Executive Order 13490 of January 21, 2009 (Ethics Commitments by Executive Branch Personnel), and therefore Executive Order 13490 is hereby revoked. No other prior Executive Orders are repealed by this order. To the extent that this order is inconsistent with any provision of any prior Executive Order, this order shall control.
- (b) If any provision of this order or the application of such provision is held to be invalid, the remainder of this order and other dissimilar applications of such provision shall not be affected.
- (c) The pledge and this order are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party (other than by the United States) against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.
- (d) The definitions set forth in this order are solely applicable to the terms of this order, and are not otherwise intended to impair or affect existing law.
 - (e) Nothing in this order shall be construed to impair or otherwise affect:
- (1) the authority granted by law to an executive department, agency, or the head thereof; or
- (2) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.
- (f) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

DONALD J. TRUMP